United Nations A/56/792-S/2002/114

General Assembly
Security Council

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General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 24 January 2002 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

While Israel persists in its aggression against Lebanon and in its flagrant violations of Lebanon's sovereignty and territorial integrity on a daily basis, Israeli warplanes again penetrated Lebanese airspace on Wednesday, 23 January 2002, violating Lebanese sovereignty in the central sector of southern Lebanon.

Israeli forces also proceeded to bombard Lebanese territory with 155-millimetre shells from their positions in the occupied Shab'a farmlands, while Israeli aircraft attacked the Kafr Shuba area and other areas nearby and continued their overflights of Hasbayya, Marj Uyun, Bint Jubayl and the western Bekaa.

Lebanon stresses that these ongoing Israeli incursions are serious provocations and violations that occur on a daily basis, as you state in paragraph 3 of your reports of 20 July 2001 and 16 January 2002 (S/2001/714 and S/2002/55). Lebanon also affirms that the continuing aerial violations of the Blue Line and deep penetrations of Lebanese airspace are not justified and are carried out despite the démarches of the United Nations and concerned governments calling on Israel to halt them and to respect the Blue Line and Lebanese sovereignty, as described in your most recent report, since they are manifestly in breach of Security Council resolution 425 (1978) and pose a threat to security and stability in the region. The persistent incursions and violations being committed on land, at sea and in the air have begun to escalate, inasmuch as there were 63 in October 2001, 45 in November 2001 and 75 in December 2001.

Lebanon calls attention to the dangerous character of Israel's breaches and violations of its sovereignty, independence and territorial integrity, and it lodges with you and with the Security Council its protest at their persistence, demanding that they be condemned, halted and prevented from recurring.

Lebanon takes this opportunity to thank you for the observations and recommendations made in your most recent report concerning the incursions and violations in question.

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I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations A/56/793–S/2002/115

General Assembly
Security Council

Distr.: General
24 January 2002

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 24 January 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Further to my letter dated 17 January 2002 (A/56/778-S/2002/79), I wish to draw your attention to additional attacks perpetrated by Hizbullah terrorists across the Blue Line. Those attacks constitute a serious escalation along the northern border and pose a threat to peace and security in the area.

In the afternoon hours yesterday, Hizbullah launched a heavy attack against Israeli positions in the Mount Dov region. That unprovoked cross-border attack included the use of dozens of mortar shells, anti-tank and anti-aircraft fire and Katyusha rockets. Yesterday's attack comes barely one week after Hizbullah terrorists fired anti-aircraft shells at aircraft that were flying in Israeli airspace, in an incident referred to in my aforementioned letter. Those attacks — taken together with Hizbullah's support for Palestinian terrorist organizations, including Hizbullah's role in the attempted smuggling of 50 tons of weapons aboard the Karine A — signal a substantial escalation in Hizbullah's terrorist campaign against Israel. Other major Hizbullah attacks have been detailed in my letters dated 24 October 2001 (A/56/507-S/2001/1012), 5 October 2001 (A/56/443-S/2001/942), 6 July 2001 (A/56/161-S/2001/673), 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

Despite Israel's full and confirmed compliance with Security Council resolution 425 (1978), Hizbullah has continually launched attacks against Israel across the Blue Line. Those attacks are unleashed from Lebanese territory, with the full support and assistance of the Governments of Syria and Iran, both countries with lengthy and well documented records of support for terrorist activities. Syria and Iran have long provided Hizbullah with financial, political and organizational assistance, and continue to harbour known terrorists and provide them with training grounds. Furthermore, Lebanon's failure to fulfil its obligations under international law and pursuant to Security Council resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1365 (2001) — which call for the restoration of international peace and security, the return of the effective authority and presence of

02-23070 (E) 250102

the Government of Lebanon in the south and respect for the integrity of the Blue Line — has granted Hizbullah the freedom necessary to plan and launch cross-border attacks. In the face of continuing attacks emanating from Lebanese territory, Israel reserves its right and its duty under international law to protect its northern border.

As the Secretary-General observed in his most recent report on the United Nations Interim Force in Lebanon, dated 16 January 2002 (S/2002/55), "The Government of Lebanon has continued to let Hizbollah operate close to the Blue Line. More steps can be taken to extend the Government's authority to all of southern Lebanon, as called for by the Council most recently in its resolution 1365 (2001)." The Secretary-General further stressed the critical need to prevent attacks from being launched across the Blue Line and to refrain from any action that could serve to destabilize the situation. Those statements, as well as established principles of international law, belie any contention that armed attacks across the Blue Line are somehow legitimate.

Although the Secretary-General and responsible members of the international community have been unequivocal in demanding respect for the Blue Line, recent events suggest that Hizbullah and its supporters are intent on continuing to escalate cross-border attacks against Israel. The international community must make it unambiguously clear that Hizbullah, with its expansive network of terrorist cells and its long history of committing terrorist atrocities, will not be permitted to flout the will of the Security Council and the principles of international law and continue to operate with impunity. It is imperative that concerted and unrelenting pressure be brought to bear on Hizbullah and the Governments that support it to compel them to bring their actions into accord with the will of the international community and the resolutions of the Security Council.

I should be grateful if you would arrange to have the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/794

General Assembly

Distr.: General
25 January 2002

Original: English

Fifty-sixth session
Agenda item 139 (a)
Financing of the activities arising from Security Council resolution 687 (1991): United Nations Iraq-Kuwait Observation Mission

Financial performance report of the United Nations Iraq-Kuwait Observation Mission for the period from 1 July 2000 to 30 June 2001

Report of the Secretary-General

Summary

The present report contains the financial performance report of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) for the period from 1 July 2000 to 30 June 2001. The General Assembly, by its resolution 54/18 B of 15 June 2000, appropriated the amount of $52,710,270 gross ($50,287,503 net) for the period.

Expenditures for the period totalled $50,074,100 gross ($47,870,200 net), resulting in an unencumbered balance of $2,636,200 gross ($2,417,300 net).

The unencumbered balance resulted primarily from lower costs of rotation and repatriation travel for military personnel, a higher vacancy rate for international staff and lower requirements for vehicle spare parts, repairs and maintenance, naval operations, commercial communications and miscellaneous supplies and services.

The action to be taken by the General Assembly in connection with the financing of the Mission is set out in paragraph 13 of the report.

02-23157 (E) 050202

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I. Introduction

1. By its resolution 687 (1991) of 3 April 1991, the Security Council established the United Nations Iraq-Kuwait Observation Mission (UNIKOM). In its resolution 689 (1991) of 9 April 1991, the Council decided to review the question of the termination or continuation of UNIKOM, as well as the modalities of its operation, every six months. The report on the latest review was issued on 26 September 2001 (S/2001/913). In a letter dated 4 October 2001 (S/2001/936), the President of the Security Council informed the Secretary-General that the Council concurred with the recommendation to maintain UNIKOM and would review the question once again by 6 April 2002.

2. The budget for the maintenance of UNIKOM for the period from 1 July 2000 to 30 June 2001 was set out in the report of the Secretary-General of 7 February 2000 (A/54/736) and amounted to $49,818,000 gross ($47,823,000 net). It provided for the strength of 195 military observers, 910 contingent personnel, comprising 775 infantry personnel and 135 support personnel, 72 international staff and 166 local staff. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 21 of its report of 7 April 2000 (A/54/841/Add.3), recommended that the General Assembly appropriate the amount proposed by the Secretary-General.

3. The General Assembly, by its resolution 54/18 B of 15 June 2000, appropriated the amount of $52,710,270 gross ($50,287,503 net) for the maintenance of UNIKOM for the period from 1 July 2000 to 30 June 2001, inclusive of the amount of $2,501,232 gross ($2,116,566 net) for the support account for peacekeeping operations and the amount of $391,038 gross ($347,937 net) for the United Nations Logistics Base at Brindisi for the same period. Taking into account the two-thirds share of the net amount, equivalent to $33,525,000, to be funded through voluntary contributions from the Government of Kuwait, the amount of $19,185,270 gross ($16,762,503 net) has been assessed on Member States.

II. Implementation of the budget

4. Information on the operations of UNIKOM and on the situation on the ground during the period under review is contained in the reports of the Secretary-General to the Security Council dated 27 September 2000 (S/2000/914) and 28 March 2001 (S/2001/287).

5. UNIKOM's concept of operations during the period under review was based on a combination of patrol and observation bases, observation points, ground, sea and air patrols, investigation teams and liaison with the parties at all levels.

6. The operational requirements of the Mission were met during the financial period under review and there were accordingly no operational shortcomings or slippages during the implementation of the approved budget. For the most part, activities provided for in the budget were undertaken as planned.

7. The unutilized balance was primarily attributable to a higher vacancy rate for international staff than originally estimated. While the budget included the application of a vacancy factor of 10 per cent for the authorized staffing of 72 international posts, the actual vacancy rate during the period averaged 26 per cent.

8. Unutilized balances under military personnel costs resulted from the lower cost of rotation travel for military observers and infantry personnel.

9. Unutilized resources under operational requirements resulted from: (a) lower requirements for vehicle spare parts, repairs and maintenance, (b) reduced requirements for naval operations and commercial communications, and (c) lower requirements for miscellaneous supplies and services.

10. During the period under review, an amount of $512,800 was expended by the Mission on measures to provide security of the staff as shown in table 1 below.

Table 1
Expenditures for staff security
(Thousands of United States dollars)

Item	*Expenditure*
Security personnel	202.4
Alterations and renovations to premises	23.8
Protective vehicles	72.6
Communications equipment	133.1
Other equipment	15.3
Supplies and services	65.6
Total	**512.8**

III. Financial performance report for the period from 1 July 2000 to 30 June 2001

11. As indicated in table 2 below, from the appropriation of $52,710,270 gross ($50,287,503 net) for the period from 1 July 2000 to 30 June 2001, expenditures amounted to $50,074,100 gross ($47,870,200 net), inclusive of $12,921,600 in unliquidated obligations. The resulting unspent balance of $2,636,200 gross ($2,417,300 net) represents, in gross terms, some 5 per cent of the appropriation. Annex I to the present report contains the financial performance information for the reporting period by budget line item, with supplementary information on significant variances presented in annex II. Annex IV contains a chart showing appropriation and expenditure by main budget group.

Table 2
Apportionment and expenditure
(Thousands of United States dollars)

Category of expenditure	*Apportionment*	*Expenditure*[a]	*Variance*
Military personnel	24 647.0	24 410.0	237.0
Civilian personnel	13 071.2	11 633.3	1 437.9
Operational requirements	10 089.8	9 321.5	768.3
Other programmes	15.0	40.9	(25.9)
United Nations Logistics Base at Brindisi	348.0	348.0	-
Support account for peacekeeping operations	2 116.5	2 116.5	-
Staff assessment	2 422.8	2 203.9	218.9
Gross requirements	**52 710.3**	**50 074.1**	**2 636.2**
Income from staff assessment	(2 422.8)	(2 203.9)	(218.9)
Net requirements	**50 287.5**	**47 870.2**	**2 417.3**
Voluntary contributions in kind (budgeted)	-	-	-
Voluntary contributions in kind (non-budgeted)[b]	3 080.2	3 080.2	-
Total resources	**55 790.5**	**53 154.3**	**2 636.2**

[a] Includes an amount of $12,921,600 in unliquidated obligations.
[b] Comprises premises, vehicles, utilities, radar surveillance systems and medical supplies from the Government of Kuwait ($2,990,102) and premises from the Government of Iraq ($90,150).

12. Information on the deployment of military and civilian personnel during the reporting period is provided in table 3 below and annex III to the present report.

Table 3
Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 July 2000 to 30 June 2001

Personnel category	*Authorized strength*	*Actual strength (average)*	*Vacancy rate (percentage)*
Military observers	195	196	-
Military contingents	910	912	-
Civilian police	-	-	-
International staff	72	53	26
National officers	-	-	-
Local staff	166	153	8
United Nations Volunteers	-	-	-

IV. Action to be taken by the General Assembly at its fifty-sixth session

13. **The action to be taken by the General Assembly in connection with the financing of UNIKOM is as follows:**

(a) **To decide on the treatment of the unencumbered balance of $2,636,200 gross ($2,417,300 net) for the period from 1 July 2000 to 30 June 2001;**

(b) **To decide on the treatment of other income for the period from 1 July 2000 to 30 June 2001 amounting to $3,949,000 from interest income ($3,204,000), other/miscellaneous income ($182,000) and savings on or cancellation of prior period obligations ($563,000).**

Annex I

Financial performance report for the period from 1 July 2000 to 30 June 2001: summary statement

(Thousands of United States dollars)

Category of expenditure	*(1)* *Apportionment* [a]	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
I. Military personnel				
1. Military observers	7 020.6	-	6 935.8	84.8
2. Military contingents	15 585.1	-	15 432.9	152.2
3. Other requirements pertaining to military personnel				
(a) Contingent-owned equipment	1 565.9	-	1 565.9	-
(b) Self-sustainment	33.4	-	33.4	-
(c) Death and disability compensation	442.0	-	442.0	-
Subtotal, line 3	2 041.3	-	2 041.3	-
Total, category I	**24 647.0**	**-**	**24 410.0**	**237.0**
II. Civilian personnel				
1. Civilian police	-	-	-	-
2. International and local staff	13 071.2	-	11 633.3	1 437.9
3. United Nations Volunteers	-	-	-	-
4. Government-provided personnel	-	-	-	-
5. Civilian electoral observers	-	-	-	-
Total, category II	**13 071.2**	**-**	**11 633.3**	**1 437.9**
III. Operational requirements				
1. Premises/accommodations	1 322.2	502.7	1 319.1	3.1
2. Infrastructure repairs	38.0	37.2	37.2	0.8
3. Transport operations	3 152.9	1 079.8	2 716.3	436.6
4. Air operations	2 908.1	125.0	2 919.5	(11.4)
5. Naval operations	108.3	-	33.3	75.0
6. Communications	787.3	454.2	653.2	134.1
7. Other equipment	642.2	369.7	648.9	(6.7)
8. Supplies and services	1 080.8	-	972.0	108.8
9. Air and surface freight				
(a) Transport of contingent-owned equipment	-	-	-	-
(b) Commercial freight and cartage	50.0	-	22.0	28.0
Subtotal, line 9	50.0	-	22.0	28.0
Total, category III	**10 089.8**	**2 568.6**	**9 321.5**	**768.3**

Category of expenditure	*(1)* *Apportionment* [a]	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
IV. Other programmes				
1. Election-related supplies and services	-	-	-	-
2. Public information programmes	-	-	-	-
3. Training programmes	15.0	-	40.9	(25.9)
4. Mine-clearing programmes	-	-	-	-
5. Assistance for disarmament and demobilization	-	-	-	-
Total, category IV	**15.0**	**-**	**40.9**	**(25.9)**
V. United Nations Logistics Base at Brindisi	**348.0**	**-**	**348.0**	**-**
VI. Support account for peacekeeping operations	**2 116.5**	**-**	**2 116.5**	**-**
VII. Staff assessment	**2 422.8**	**-**	**2 203.9**	**218.9**
Gross requirements, categories I-VII	52 710.3	2 568.6	50 074.1	2 636.2
VIII. Income from staff assessment	**(2 422.8)**	**-**	**(2 203.9)**	**(218.9)**
Net requirements, categories I-VIII	50 287.5	2 568.6	47 870.2	2 417.3
IX. Voluntary contributions in kind (budgeted) [b]	-	-	-	-
X. Voluntary contributions in kind (non-budgeted)	**3 080.2**	**-**	**3 080.2**	**-**
Total	**55 790.5**	**2 568.6**	**53 154.3**	**2 636.2**

[a] Based on appropriation provided by the General Assembly in resolution 54/18 B of 15 June 2000.

[b] Comprises premises, vehicles, utilities, radar surveillance systems and medical supplies from the Government of Kuwait ($2,990,102) and premises from the Government of Iraq ($90,150).

Annex II

Supplementary information on significant variances

Military personnel

Apportionment: $24,647,000; expenditure: $24,410,000; variance: $237,000

1. The unutilized balance of $237,000 under this heading was mainly attributable to the lower rotation cost for military observers ($84,800) and lower cost of repatriation of military contingents ($152,200).

Military observers

Apportionment: $7,020,600; expenditure: $6,935,800; variance: $84,800

2. The unutilized balance of $84,800 under this heading resulted from the actual average rotation cost ($2,680 per person) being lower than the provision ($3,000 per person). The unspent balance was offset in part by additional requirements for mission subsistence allowance due to longer overlaps during rotation.

Military contingents

Apportionment: $15,585,100; expenditure: $15,432,900; variance: $152,200

3. The unutilized balance of $152,200 under this heading was primarily attributable to the lower actual rotation cost of infantry personnel using charter flights.

4. However, the unutilized balance was offset in part by additional requirements for clothing and equipment allowance ($20,900), postage ($8,500) and standard troop cost reimbursement ($13,000). Owing to longer overlaps on rotation, the actual average strength of personnel (912) was higher than originally estimated (910).

Civilian personnel

Apportionment: $13,071,200; expenditure: $11,633,300; variance: $1,437,900

5. The unutilized balance of $1,437,900 under this heading was primarily attributable to the actual average vacancy rate (26 per cent) for international staff being higher than the vacancy factor (10 per cent) applied in the budget, resulting in unspent amounts under salaries and mission subsistence allowance. The average number of personnel deployed during the period was 53, compared with the provision for 72 international staff. Savings were also realized from the lower number and cost of travel by staff from Headquarters to the mission area.

6. The actual average vacancy rate of 8 per cent for local staff was slightly lower than the 10 per cent vacancy factor applied in the budget, resulting in additional requirements for local salaries and common staff costs.

Operational requirements

Apportionment: $10,089,800; expenditure: $9,321,500; variance: $768,300

7. The unutilized balance of $768,300 under this heading resulted from reduced requirements under premises/accommodation ($3,100), infrastructure repairs ($800), transportation operations ($436,600), naval operations ($75,000), communications ($134,100), miscellaneous supplies and services ($108,800) and air and surface freight ($28,000), which were offset in part by additional requirements for air operations ($11,400) and other equipment ($6,700).

Transport operations

Apportionment: $3,152,900; expenditure: $2,716,300; variance: $436,600

8. The unutilized balance of $436,600 under this heading was primarily attributable to the lower actual cost of vehicles purchased ($195,400) and savings realized from spare parts, repairs and maintenance ($460,400) owing to lower maintenance costs and quantity of spare parts required.

9. However, the unutilized balance was offset in part by additional requirements for petrol, oil and lubricants ($145,100) due to higher number of patrols than originally estimated and additional reliance on generators due to power outages. In addition, the unspent balance was partially offset by the purchase of an automated carwash machine in order to reduce water consumption ($33,800) and higher requirements for vehicle insurance ($40,300) owing to the settlement of outstanding charges from the prior (1999/2000) period.

Naval operations

Apportionment: $108,300; expenditure: $33,300; variance: $75,000

10. The unutilized balance of $75,000 under this heading was attributable to the lower fuel costs due to the lower number of patrol hours ($60,100), which consequently resulted in lower maintenance costs ($10,900), and no insurance requirements on the Kuwaiti side of the waterway ($4,000).

Communications

Apportionment: $787,300; expenditure: $653,200; variance: $134,100

11. The unutilized balance of $134,100 under this heading was primarily attributable to the lower requirements than budgeted for commercial communications ($108,100), communications equipment ($12,500) and spare parts and supplies ($13,900), which were offset in part by additional requirements for workshop and test equipment ($400).

Miscellaneous supplies and services

Apportionment: $1,080,800; expenditure: $972,000; variance: $108,800

12. The unutilized balance of $108,800 under this heading was primarily attributable to the cancellation of the requirement for Hesco Bastion components (field defence stores) since this level of protection was no longer deemed necessary,

and lower purchase for uniforms, flags and decals due to the receipt of stock supplies from UNLB. In addition, the unspent balance resulted from lower requirements for contractual services and data-processing services.

Air and surface freight

Apportionment: $50,000; expenditure: $22,000; variance: $28,000

13. The unutilized balance of $28,000 was attributable to lower requirements for commercial freight and cartage.

Training programmes

Apportionment: $15,000; expenditure: $40,900; variance: ($25,900)

14. The primary purpose of training in the communications and information technology areas is to enable mission personnel to develop technological infrastructure and to provide services that fully satisfy the requirements of all peacekeeping missions. Human resources are a critical success factor, without whose contribution the prerequisite for success, namely, the timely, effective and efficient delivery of support, cannot be achieved. The Secretariat is cognizant of the need to foster the development of skills and to maintain a high quality of expertise in all critical areas. A strategic plan has been developed for communications and information technology areas, which takes into account the increasing complexity and scope of activities and the increasing information needs resulting from the growth of peacekeeping missions. The success of communications and information technology in missions depends, to a great extent, on the effectiveness of field mission information systems. It is imperative that the Secretariat enhance on a continuous basis the capacity of mission personnel of all categories of staff to manage information resources, using innovative and current educational and training procedures, tools and structures. It is in the context of a rapidly changing technological environment that the Secretariat plans its training activities to maintain skills that are relevant and vital to the needs of the Mission.

15. A total of 19 mission personnel participated in technical (communications and data-processing) and administrative (procurement, management and medical/health) training courses. The table below provides information on the training programmes that took place in UNIKOM during the period under review.

Description of training	*Expenditure (United States dollars)*	*Number of persons trained*	*Venue*
Cisco Systems	6 662	1	UNLB
DOMINO COD 25 system admin	4 907	1	UNLB
Microsoft Windows	6 306	7	Kuwait City
Barrette H. F. & Digital Microwave	5 124	1	UNLB
Copier technical course	1 020	1	Cyprus
Management workshop	8 339	3	UNLB
Auto CAD	896	1	Kuwait City
Interconnecting Cisco network device	4 642	3	Kuwait City
Principles of food safety and hygiene	2 982	1	Dubai
Total	**40 878**	**19**	

Staff assessment

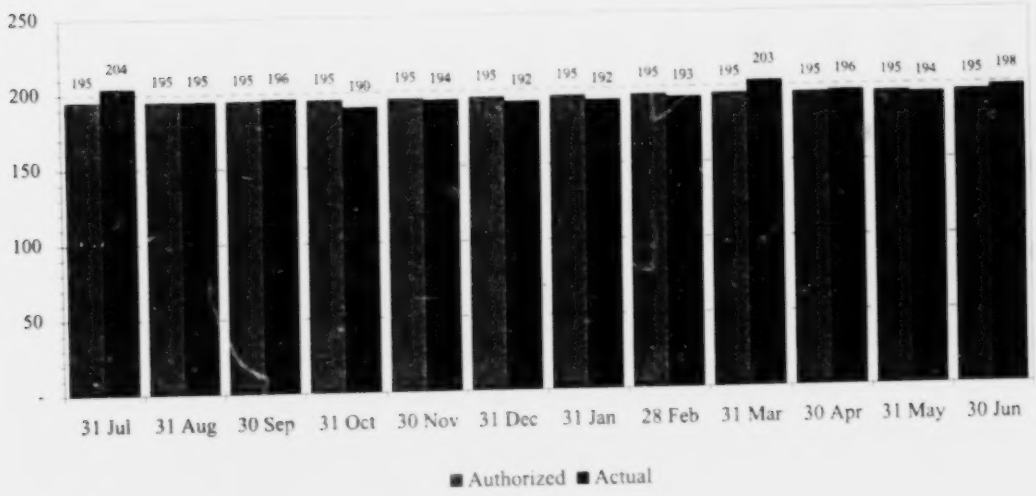
Apportionment: $2,422,800; expenditure: $2,203,900; variance: $218,900

16. The unutilized balance of $218,900 was primarily attributable to the higher average vacancy rate of 26 per cent for international staff.

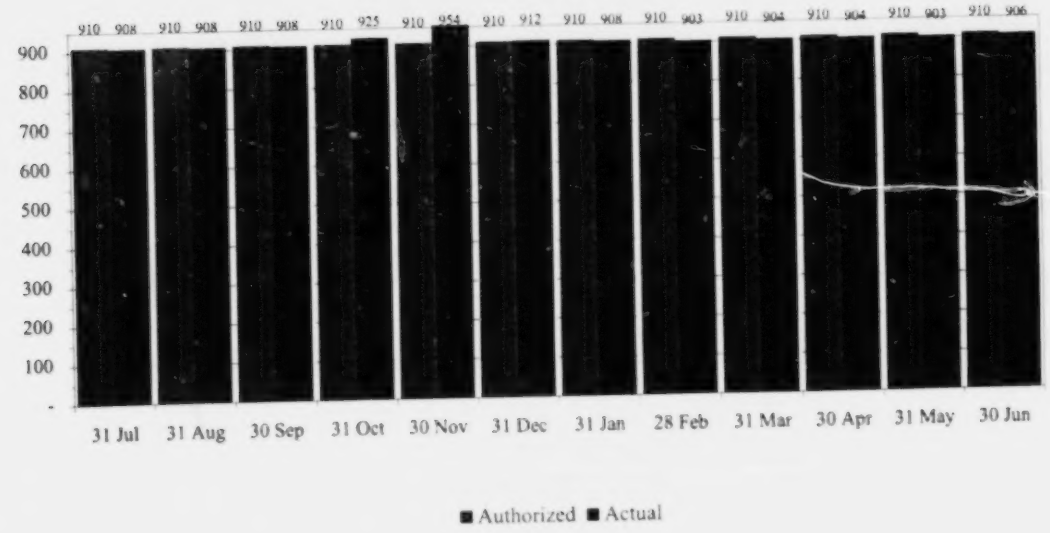
Annex III

Planned and actual deployment of civilian and military personnel for the period from 1 July 2000 to 30 June 2001

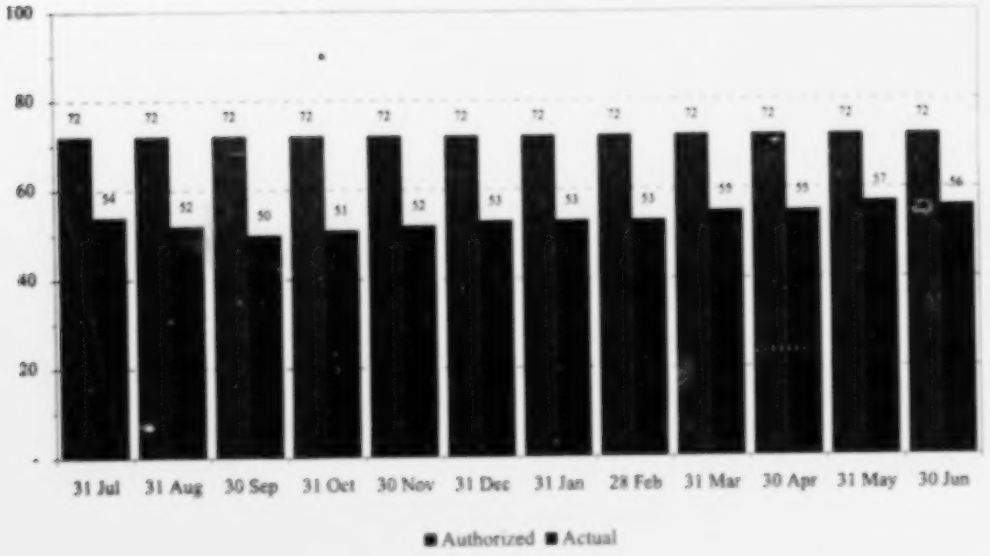
1. Military observers



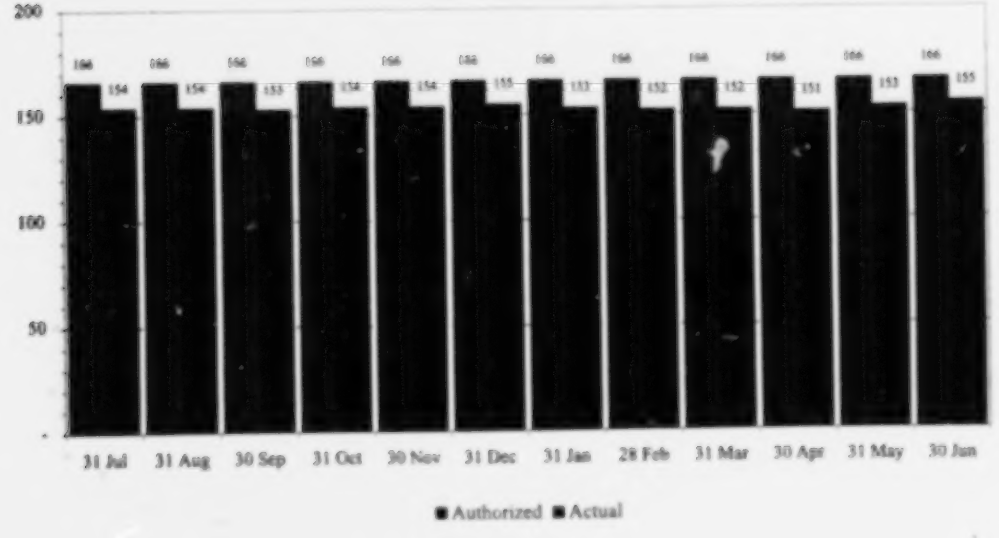
2. Military contingents



3. International staff

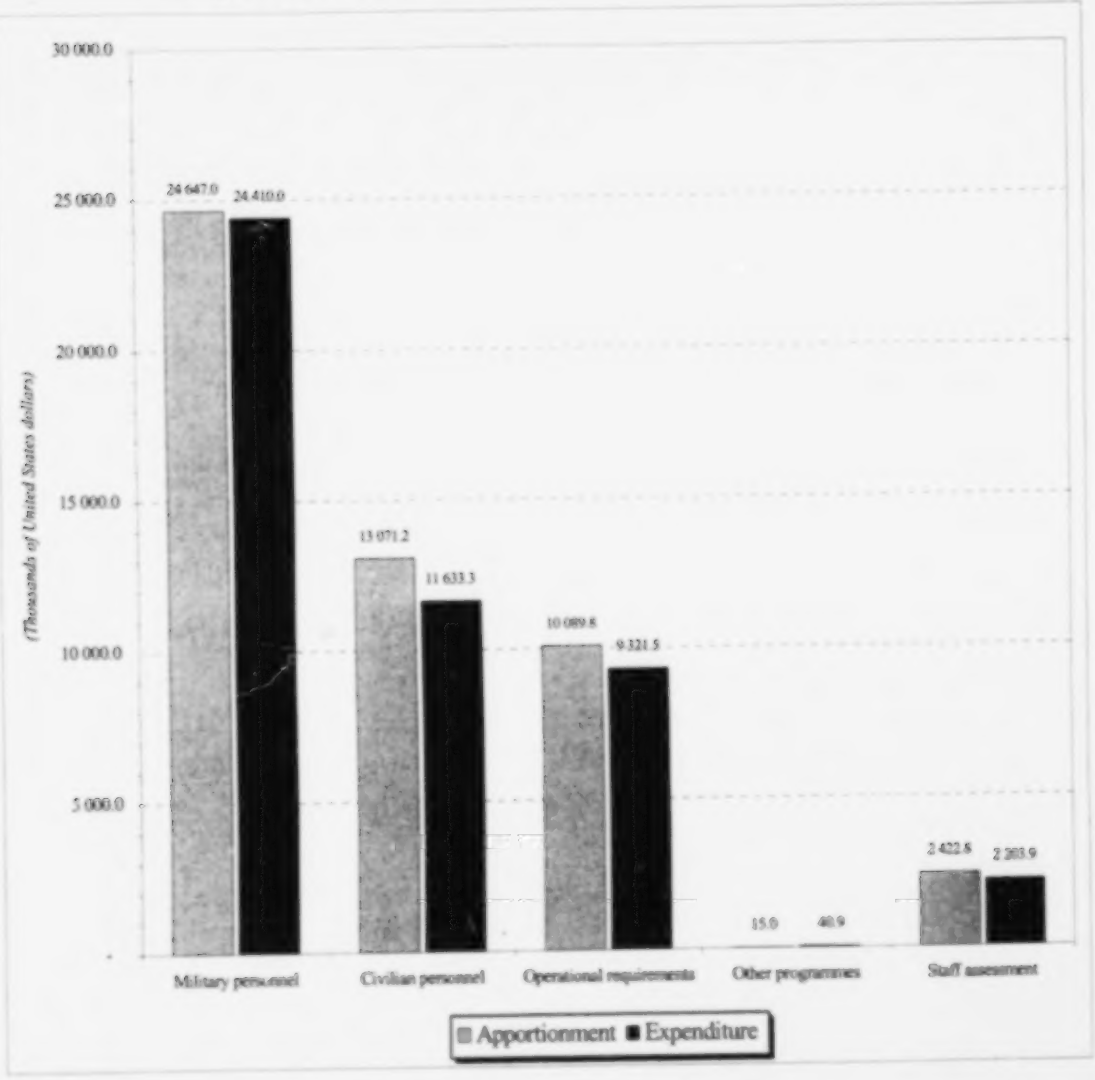


4. Local staff



Annex IV

Apportionment and expenditure for the period from 1 July 2000 to 30 June 2001



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Fifty-sixth session
Agenda item 139 (a)
Financing of the activities arising from Security Council resolution 687 (1991): United Nations Iraq-Kuwait Observation Mission

Financial performance report of the United Nations Iraq-Kuwait Observation Mission for the period from 1 July 2000 to 30 June 2001

Report of the Secretary-General

Corrigendum

Replace annex I with the following:

02-25614 (E) 190202

Annex I

Financial performance report for the period from 1 July 2000 to 30 June 2001: summary statement

(Thousands of United States dollars)

Category of expenditure	*(1)* *Apportionment*[a]	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
I. Military personnel				
1. Military observers	7 020.6	-	6 935.8	84.8
2. Military contingents	15 585.1	-	15 432.9	152.2
3. Other requirements pertaining to military personnel				
(a) Contingent-owned equipment	1 565.9	-	1 565.9	-
(b) Self-sustainment	33.4	-	33.4	-
(c) Death and disability compensation	442.0	-	442.0	-
Subtotal, line 3	2 041.3	-	2 041.3	-
Total, category I	**24 647.0**	**-**	**24 410.0**	**237.0**
II. Civilian personnel				
1. Civilian police	-	-	-	-
2. International and local staff	13 071.2	-	11 633.3	1 437.9
3. United Nations Volunteers	-	-	-	-
4. Government-provided personnel	-	-	-	-
5. Civilian electoral observers	-	-	-	-
Total, category II	**13 071.2**	**-**	**11 633.3**	**1 437.9**
III. Operational requirements				
1. Premises/accommodation	1 322.2	502.7	1 319.1	3.1
2. Infrastructure repairs	38.0	37.2	37.2	0.8
3. Transport operations	3 152.9	1 079.8	2 716.3	436.6
4. Air operations	2 908.1	125.0	2 919.5	(11.4)
5. Naval operations	108.3	-	33.3	75.0
6. Communications	787.3	454.2	653.2	134.1
7. Other equipment	642.2	369.7	648.9	(6.7)
8. Supplies and services	1 080.8	-	972.0	108.8
9. Air and surface freight				
(a) Transport of contingent-owned equipment	-	-	-	-
(b) Commercial freight and cartage	50.0	-	22.0	28.0
Subtotal, line 9	50.0	-	22.0	28.0
Total, category III	**10 089.8**	**2 568.6**	**9 321.5**	**768.3**

Category of expenditure	*(1)* *Apportionment* [a]	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
IV. Other programmes				
1. Election-related supplies and services	-	-	-	-
2. Public information programmes	-	-	-	-
3. Training programmes	15.0	-	40.9	(25.9)
4. Mine-clearing programmes	-	-	-	-
5. Assistance for disarmament and demobilization	-	-	-	-
Total, category IV	**15.0**	**-**	**40.9**	**(25.9)**
V. United Nations Logistics Base at Brindisi	**348.0**	**-**	**348.0**	**-**
VI. Support account for peacekeeping operations	**2 116.5**	**-**	**2 116.5**	**-**
VII. Staff assessment	**2 422.8**	**-**	**2 203.9**	**218.9**
Gross requirements, categories I-VII	52 710.3	2 568.6	50 074.1	2 636.2
VIII. Income from staff assessment	**(2 422.8)**	**-**	**(2 203.9)**	**(218.9)**
Net requirements, categories I-VIII	50 287.5	2 568.6	47 870.2	2 417.3
IX. Voluntary contributions in kind (budgeted) [b]	-	-	-	-
X. Voluntary contributions in kind (non-budgeted)	**3 080.2**	**-**	**3 080.2**	**-**
Total	**55 790.5**	**2 568.6**	**53 154.3**	**2 636.2**
XI. Other income/adjustments				
Interest income				3 204.0
Other/miscellaneous income				182.0
Voluntary contributions in cash				-
Prior period adjustments				-
Savings on, or cancellation of prior period obligations				563.0
Total, category XI				**3 949.0**

[a] Based on appropriation provided by the General Assembly in resolution 54/18 B of 15 June 2000.

[b] Comprises premises, vehicles, utilities, radar surveillance systems and medical supplies from the Government of Kuwait ($2,990,102) and premises from the Government of Iraq ($90,150).

United Nations

A/56/795

General Assembly

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Fifty-sixth session
Agenda item 23
Building a peaceful and better world through sport and the Olympic ideal

Solemn appeal made by the President of the General Assembly on 25 January 2002 in connection with the observance of the Olympic Truce

The President of the General Assembly has the honour to make the following solemn appeal in connection with the observance of the Olympic Truce:

On 11 December 2001, the General Assembly adopted resolution 56/75, in which it requested Member States to observe the Olympic Truce during the XIX Olympic Winter Games to be held in Salt Lake City, United States of America, from 8 to 24 February 2002, by ensuring the safe passage and participation of athletes at the Games.

The Olympic Truce, the Greek tradition of ekecheiria, was born in the eighth century B.C., serving as a hallowed principle of the Olympic Games. In 1992, the International Olympic Committee renewed this tradition by calling upon all nations to observe the Olympic Truce.

The General Assembly, recognizing the Olympic Truce as contributing to the international understanding and the maintenance of peace, adopted the landmark resolution 48/11 of 25 October 1993, in which the Assembly urged Member States to observe the Olympic Truce. Furthermore, the United Nations Millennium Declaration, adopted on 8 September 2000, includes the same appeal.

The Olympic movement aspires to contribute to a peaceful future for humankind through the educational value of sport. It brings together the athletes of the world in the greatest international sports festival, the Olympic Games, and promotes world peace, friendship, solidarity and fairness, for which the United Nations also stands.

Based on these shared goals, in 1998 the International Olympic Committee decided to fly the United Nations flag at all competition sites of the Olympic Games, and the United Nations system, in particular through the United Nations Educational, Scientific and Cultural Organization, is expanding its cooperation with the International Olympic Committee in various fields, such as development, humanitarian assistance, education and the fight against HIV/AIDS.

02-23132 (E) 250102

However, the terrorist attacks of 11 September 2001 pose a grave challenge to humanity, the ideal of the United Nations and the spirit of the Olympic Games. The international community has shown strong unity and is cooperating closely to address the challenge. As the XIX Olympic Winter Games approach, even more concerted efforts and cooperation on the part of the world community are needed to ensure that the XIX Olympic Winter Games are safely and peacefully conducted.

I, therefore, solemnly appeal to all States to demonstrate their commitment to the Olympic Truce and to take appropriate measures to ensure the safe passage and participation of athletes at the Salt Lake City Winter Games.

United Nations

A/56/796

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Fifty-sixth session
Agenda item 20 (f)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Letter dated 22 January 2002 from the Permanent Representative of Kyrgyzstan to the United Nations addressed to the Secretary-General

Upon instructions of my Government, I have the honour to transmit the information on conveyance of humanitarian aid to Afghanistan (see annex).

I should be grateful if you would have this information circulated under agenda item 20 (f) of the fifty-sixth session of the General Assembly.

(*Signed*) Kamil **Baialinov**
Ambassador
Permanent Representative

02-23208 (E) 280102 280102

Annex to the letter dated 22 January 2002 from the Permanent Representative of Kyrgyzstan to the United Nations addressed to the Secretary-General

[Original: Russian]

Delivery of humanitarian assistance to the Islamic Republic of Afghanistan

On the initiative of three States — the Russian Federation, the Kyrgyz Republic and the Republic of Tajikistan — the International Humanitarian Coalition, consisting of the Russian Federal Ministry of Civil Defence, Emergencies and the Elimination of the Consequences of Natural Disasters, the Ministry of Ecology and Emergencies of the Kyrgyz Republic, the Ministry of Emergencies of the Republic of Tajikistan, and representatives of the World Food Programme (WFP), was formed in late October 2001. The Coalition's goal was the delivery of humanitarian assistance (food) from WFP warehouses in Osh, Kyrgyz Republic, to Faizabad, Islamic Republic of Afghanistan.

Over the course of the operation, which began on 10 November 2001, more than 300 trucks, over 40 specialized vehicles and 140 employees of the ministries of emergencies of the three States were deployed.

From 10 November 2001 to 16 January 2002, over 9,000 tons of food were delivered from Osh to Faizabad, using 54 convoys of 35 trucks each.

The humanitarian corridor ran through the territories of Kyrgyzstan, Tajikistan and Afghanistan. The general length of the route from Osh to Faizabad was 1,200 kilometres, and the average elevation ranged from 3,200 to 4,500 metres above sea level.

The experience of carrying out this joint humanitarian operation showed the necessity of concentrating the efforts of the States concerned for the successful achievement of the ultimate aim.

During the operation Kyrgyzstan gained experience in carrying out joint operations for the provision of humanitarian assistance to the people of Afghanistan.

In the future, Kyrgyzstan might be able to assume the following tasks in relation to the provision of assistance to the people of Afghanistan, in cooperation with members of the international community:

- Organizing protection and accompaniment for convoys of humanitarian goods, in cooperation with the ministries of emergencies of the Central Asian countries;
- Making warehouses available for the storage of humanitarian goods;
- Making transport available;
- Allocating humanitarian corridors in the territory of Kyrgyzstan;

- The Ministry of Ecology and Emergencies of the Kyrgyz Republic has within its sub-units the necessary human resources and productive capacity to deal with questions concerning the rehabilitation of schools, hospitals, bridges and roads that have been destroyed in the territory of the Islamic Republic of Afghanistan.

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Security Council

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General Assembly
Fifty-sixth session
Agenda items 41, 42, 54, 97, 98 and 166

Security Council
Fifty-seventh year

Question of Palestine

The situation in the Middle East

Consequences of the Iraqi occupation of and aggression against Kuwait

Sustainable development and international economic cooperation

Environment and sustainable development

Measures to eliminate international terrorism

Letter dated 21 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Oman to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Final Communiqué adopted during the Twenty-second Summit of the Supreme Council of the Gulf Cooperation Council held in Muscat on 30 and 31 December 2001 under the Chairmanship of His Majesty Sultan Qaboos bin Said, Sultan of Oman.

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda items 41, 42, 54, 97, 98 and 166, and of the Security Council.

(*Signed*) Mohammed A. **Al-Sameen**
Chargé d'affaires a.i.

02-23363 (E) 110202 140202

Annex to the letter dated 21 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Oman to the United Nations addressed to the Secretary-General

[Original: Arabic]

Final communiqué adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-second session, held in Muscat, Oman, on 30 and 31 December 2001

At the invitation of His Majesty Sultan Qaboos Bin Said, Sultan of Oman, the Supreme Council of the Gulf Cooperation Council (GCC) held its twenty-second session in Muscat, Oman, on 30 and 31 December 2001 under the chairmanship of His Majesty. The meeting was attended by:

His Highness Sheikh Maktoum Bin Rashid Al Maktoum, Vice-President and Prime Minister of the United Arab Emirates and Ruler of Dubai;

His Highness Sheikh Hamad Bin Isa Al Khalifa, Amir of Bahrain;

His Royal Highness Prince Abdullah Bin Abdul-Aziz, Crown Prince, Deputy Prime Minister and Commander of the National Guard of the Kingdom of Saudi Arabia;

His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of Qatar; and

His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Deputy Prime Minister and Minister for Foreign Affairs, representing His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of Kuwait.

His Excellency Sheikh Jamil Ibrahim Al-Hujeilan, GCC Secretary-General, also participated in the meeting.

The leaders of the GCC countries offered their heartfelt congratulations to the Custodian of the Two Holy Mosques, King Fahd Bin Abdul-Aziz Al Saud of Saudi Arabia, on the occasion of the twentieth anniversary of his accession to the throne. They commended the great achievements of his reign in the economic, development and cultural fields and beseeched Almighty God to bestow upon him abundant health so that he might contribute further to the security and stability of the Kingdom of Saudi Arabia and its people and to the continued progress of the Gulf Cooperation Council.

They expressed happiness at the recovery of His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of Kuwait, beseeching the Lord to grant him continued health and full vigour and to extend to him His assistance in continuing his leadership of Kuwait and his support for the progress of the Council.

The Supreme Council reviewed the auspicious progress made in joint action in the economic, social, political, military, security, cultural and information fields. It expressed satisfaction at the successes achieved, and it affirmed the desire to advance the GCC process so as to realize the ambitions and aspirations of its peoples to achieve the worthy objectives embodied in the GCC Charter and further enhance the security, stability and development of the GCC States and their peoples, thereby promoting the concept of GCC citizenship in all domains.

The cooperation process

Economic issues

The Supreme Council discussed the progress made in economic cooperation among member States and considered the relevant reports and recommendations submitted to it by the Ministerial Council, the ministerial committees and the secretariat.

In order to further enhance such progress and with the desire to advance the economic integration of the GCC States to a stage conducive to the establishment of a common market and a monetary and economic union, the Council adopted the Economic Agreement between the GCC States, replacing the Unified Economic Agreement of November 1981. The new Agreement is in keeping with developments and achievements in GCC economic action and is in line with developments in the international economic arena.

The Council studied the measures taken for the establishment of a GCC customs union, and it decided to advance its launching to 1 January 2003. It further decided to lower the common customs tariff to 5 per cent on all foreign goods imported from outside the customs union except for those exempted in accordance with the decision taken in November 1999 at its twentieth session. The Council decided to grant industrial establishments in the GCC countries an exemption from customs duties on imports of production inputs, subject to specific controls. The Supreme Council instructed the committee on financial and economic cooperation to complete all of the necessary arrangements for the establishment of the customs union in accordance with its new schedule.

The Council adopted the GCC unified customs code, as amended, and approved its implementing regulation and explanatory memorandum. It decided that the Code should take effect on 1 January 2002.

In the context of the establishment of a GCC monetary union and the launching of a single currency, the Supreme Council approved the timetable for the monetary union and instructed the committee of governors of monetary agencies and central banks to implement the decision of the Supreme Council to adopt the United States dollar as a common peg for the currencies of member States before the end of 2002. It also instructed the committee on financial and economic cooperation and the committee of governors to reach agreement before the end of 2005 on the standards of economic performance that would be necessary to ensure the success of the monetary union so that the single currency could be launched by 1 January 2010 at the latest.

In order to integrate the statistical activities of the GCC countries, standardize procedures and save costs, the Supreme Council decided to adopt a uniform periodicity for general censuses with effect from 2010.

The Council adopted the sanitary and phytosanitary code, as amended in the light of the comments of member States and in accordance with the requirements of the relevant international agencies, and decided that it should enter into force with binding effect.

The Council considered the submissions made to it concerning the upgrading of the GCC standards organization in order to meet the requirements of the future

GCC customs union for standardization in member States and achieve ongoing coordination among their existing standards organizations, and it decided to establish a new and independent GCC standards organization.

With a view to promoting economic development in the GCC States, the Supreme Council instructed the development finance institutions of member States to continue to give priority to the provision of concessionary loans for development projects in Bahrain and Oman.

Man and the environment

The Supreme Council was informed of the progress made in the implementation of its previous decisions on employment opportunities for nationals of GCC countries in each of the other member States, and it affirmed that those decisions should be implemented in full.

The Council considered progress made in the implementation of the joint curriculum development plan, instructed ministers of education to expedite its introduction and urged all sectors of the community and the professional associations to ensure its success. The Council was informed of the formation of a food safety committee, and it instructed the agencies concerned to implement the committee's decisions and recommendations.

In the light of the grave environmental situation in the Gulf, the Supreme Council urged member States to complete arrangements for the construction of facilities to receive ballast water and ships' waste in the Gulf region.

Developing further its legislation and regulations to safeguard health and protect the environment and nature, the Supreme Council adopted:

A unified statute on health-care waste management

A unified statute for the management of hazardous chemicals; and

An agreement for the preservation of wildlife and its natural habitat in the GCC States.

Legal issues

The Supreme Council approved as laws with recommendatory effect, for a four-year period, the Abu Dhabi document for a unified juvenile code for the GCC States, the Manama document for a code of legal representation, the Manama document for a unified code of civil procedure and the Muscat document for a unified code of evidence. The Council also agreed to retain the Kuwait document for a unified civil code and the Doha document for a unified penal code, with recommendatory effect, for a further period of four years. All of these instruments seek to enhance cooperation in the field of law and justice among the GCC States.

Military issues

The Supreme Council considered the progress made in military cooperation since its previous session. It expressed satisfaction at the studies that had been completed and at the practical steps taken to strengthen joint defence and military cooperation. In this connection, the Council approved the composition of the joint defence council pursuant to article 9 of the relevant agreement.

Security issues

The Supreme Council approved the decisions adopted at the twentieth meeting of the GCC ministers of the interior, held in Manama on 29 and 30 October 2001, including those promoting the efforts of the GCC countries to streamline formalities relating to the movement of persons and the flow of trade between member States and enhancing cooperation in the drug control field. The Council decided to approve the GCC security strategy to counter the extremism associated with terrorism as well as a money-laundering law.

Advisory Board of the Supreme Council

The Supreme Council considered the observations of its Advisory Board on: education; the development of the educational system; energy and the environment; water strategies; and scientific and technical research. The Council decided to approve them and to refer the joint projects envisaged in those observations to the appropriate ministerial committees for the necessary measures to be taken for their implementation. It instructed the Advisory Board to explore and to submit its observations on giving effect to the long-term comprehensive development strategy and to give priority to the study of social issues, especially those relating to youth welfare, and of information issues.

Political issues

The Supreme Council, recalling and reaffirming its decisions taken at previous sessions, discussed developments in the context of Iraq's compliance with the Security Council resolutions relating to the situation between Iraq and Kuwait and the consequences of Iraq's occupation of Kuwait.

In its concern to create appropriate conditions for the achievement and consolidation of security, peace and stability in the Gulf region, the Council again urged Iraq to discharge all of its obligations under the Security Council resolutions relating to the situation between Iraq and Kuwait, including its obligation to respect the security, independence, sovereignty and territorial integrity of Kuwait and its obligation to resume its cooperation with the United Nations in order to resolve the outstanding issues relating to cooperation with the International Committee of the Red Cross, the Tripartite Commission and Ambassador Yuli Vorontsov, the United Nations high-level coordinator for the prisoner issue and the return of property, with a view to devising an expeditious and definitive solution to the problem of Kuwaiti and third-country prisoners and hostages and bringing about the return of all of the Kuwaiti property in its possession.

The Council urged Iraq to take all necessary steps, in implementation of Security Council resolution 949 (1994) and so as to achieve security and stability in the region, to demonstrate its peaceful objectives and intentions and to refrain from any provocative or hostile action against the State of Kuwait.

The Supreme Council urges Iraq and the Secretary-General of the United Nations to resume the dialogue between them concerning renewed cooperation on a basis that will enable the Security Council to lift the economic sanctions imposed on Iraq and end the suffering of the fraternal Iraqi people. It reaffirmed its established position that the independence, unity and territorial integrity of Iraq must be respected and that there must be no interference in its internal affairs.

The Supreme Council discussed the issue of the occupation by Iran of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, recalling and reaffirming the decisions it had taken at its twenty-first session.

Having considered the recent contacts between the United Arab Emirates and the Islamic Republic of Iran, the Supreme Council affirmed the full sovereignty of the United Arab Emirates over its three islands, the Greater Tunb, the Lesser Tunb and Abu Musa, and over their territorial waters, their airspace and the related continental shelf and exclusive economic zone, as integral parts of the country.

In accordance with the principle of the collective security of the GCC countries, the Council voiced its support for all the steps being taken by the United Arab Emirates to restore its sovereignty over all three islands by peaceful means. It affirmed its unconditional rejection of all the claims made and measures taken by Iran with respect to the three islands on the grounds that they are null and void, have no legal effect and do not derogate from the established rights of the United Arab Emirates with regard to its three islands.

The Council renewed its call to the Islamic Republic of Iran to agree to refer the dispute to the International Court of Justice.

Following a comprehensive assessment, the Supreme Council instructed the Ministerial Council to continue to examine all peaceful measures that might be conducive to the restoration of the legitimate rights of the United Arab Emirates with respect to its three islands.

The Supreme Council reviewed with great concern the serious deterioration in the situation in the West Bank and Gaza Strip resulting from the persistent use by the Government of Israel of savage methods of repression against the Palestinian people and its continued pursuit of policies involving closures, blockades and incursions into the territory of the Palestinian Authority and the reoccupation of Palestinian cities, with all the grave consequences and implications of such policies. The Council cautioned in this connection against the consequences of remaining silent at this most grievous situation for the security and stability of the entire region, and it charged the Israeli Government with full responsibility for the state in which the peace process finds itself.

The Council affirmed that the present deterioration and the surge of violence under way are fundamentally due to the continuing Israeli occupation of Palestinian territory and the abandonment of the principles and norms governing the peace process as established by the Madrid conference and the agreements concluded by the two parties. The irresponsible decision of the Israeli Government to suspend contacts with the legitimate Palestinian leadership shows that it is not seriously seeking a just and balanced peace and deprives its participation in the peace process of any credibility.

The Supreme Council affirms its full support for the Palestinian Authority and its leader, His Excellency President Yasser Arafat. It calls upon all segments of the Palestinian people to rally to the support of its legitimate elected leadership and consolidate its national unity for the restoration of all of its legitimate rights, including the right to exercise self-determination and establish an independent State on the soil of its homeland with Jerusalem as its capital.

In renewing its commitment to support for the Palestinian people, the Supreme Council affirms its full readiness to play an active role in contributing to building Palestinian institutions and infrastructure. It urges the international community to act for the achievement of security and peace so that such support will have a positive impact on development in the occupied Palestinian territories.

The Council affirmed once more that a just, comprehensive and lasting peace can only be achieved with the restoration to the Palestinian people of all of its legitimate rights and the establishment of an independent Palestinian State on its national soil with Jerusalem as its capital; with Israel's full withdrawal from the occupied Syrian Golan Heights to the boundary line of 4 June 1967; with the completion of Israel's withdrawal from Lebanese territory, including the Shab'a farmlands, to the internationally recognized boundary in accordance with Security Council resolutions 425 (1978) and 426 (1978); and with the release of all the Lebanese prisoners and abductees being held in Israel's prisons.

The Supreme Council condemned the policy of escalating the cycle of violence as pursued by the Israeli Government with the neighbouring countries, a policy that is impelling the region to the brink of the abyss and jeopardizing its security and stability. The Council further stressed the importance of differentiating between legitimate resistance to military occupation and terrorism that is to be condemned in all its forms and regardless of its rationale.

The Supreme Council expressed the hope that the efforts currently under way would halt the acts of violence in the Palestinian territories so that there could be a resumption of negotiations between the two sides leading to a peaceful settlement that would restore the legitimate rights of the Palestinian people.

The Supreme Council expressed deep appreciation of the great efforts made by the Custodian of the Two Holy Mosques, King Fahd Bin Abdul-Aziz Al Saud of Saudi Arabia, and by his brother, His Royal Highness Prince Abdullah Bin Abdul-Aziz Al Saud, Crown Prince, Deputy Prime Minister and Commander of the National Guard of the Kingdom of Saudi Arabia, to communicate the Arab position on current issues, to stress the need to break the deadlock in the peace process and to affirm the legitimate rights of the Palestinian people, including its right to establish an independent State on its national soil with Jerusalem as its capital.

The Supreme Council welcomed the address given by President George W. Bush at the United Nations, in which he expressed the view of the United States on the establishment of a viable Palestinian State and an end to the Israeli occupation of Palestinian territory in accordance with Security Council resolutions 242 (1967) and 338 (1973), as well as the address given by United States Secretary of State Colin L. Powell on the concept of a Palestinian State. The Council is of the view that this extremely important development may lay the foundations for security and peace and for the development of all the States of the region. In order to give substance to these positive visions, the Council calls upon the United States to elaborate a mechanism for their implementation that is consistent with the legitimate rights of the Palestinian people.

The Supreme Council again called upon the international community to take action to transform the Middle East region, including the Gulf, into a zone free of all weapons of mass destruction, including nuclear weapons. The Council affirmed once more that Israel must accede to the Treaty on the Non-Proliferation of Nuclear

Weapons and submit all its nuclear facilities to the International Atomic Energy Agency inspection regime.

Appreciating the important role played by the Republic of Yemen in the Arabian peninsula and the responsibilities it assumes in the context of the peninsula's security, stability and development, the Supreme Council welcomes the participation of the fraternal Republic of Yemen in enhancing ties of cooperation and coordination in the context of collective action by the Gulf Cooperation Council through its membership of:

The Council of Ministers of Health of the GCC States;

The Arab Office of Education for the Gulf States;

The Council of Ministers of Labour and Social Affairs of the GCC States; and

The Arabian Gulf Cup soccer tournament.

This step will be followed by others for the participation of the Republic of Yemen in economic and other fields of cooperation. The Supreme Council anticipates that this will contribute to the advancement of development and social welfare and will strengthen cohesion among the peoples and States of the Arabian peninsula.

The Supreme Council welcomes the recent positive developments in Afghanistan, as exemplified by the formation of the Afghan Interim Authority under the chairmanship of Hamid Karzai. It affirms its readiness to cooperate with the new authorities in furthering the Afghan people's aspirations for stability and economic development.

The Supreme Council voiced its condemnation of the terrorist attack on India's Parliament House on 13 December 2001, and it is of the view that the war against terrorism must take place within the framework of international legitimacy as established by the United Nations Security Council.

The Council noted with great concern the tension obtaining between the Republic of India and the Islamic Republic of Pakistan. It expresses the hope that the two countries will endeavour to exercise the utmost self-restraint and will return to the positive atmosphere that accompanied the contacts between the leaders of the two countries and make use of it to address the causes of the existing tension between them. The Council expresses its concern, and it calls upon the Security Council to intervene on an urgent basis to meet its responsibilities with respect to the maintenance of the peace and security of this important region of the world and to prevent the continued deterioration of a situation that may have dire consequences.

Extremism, violence and terrorism

The Supreme Council noted with deep concern the mounting extremism, violence and terrorism that have become worldwide preoccupations. The Council condemned the terrorist acts committed against the United States of America on 11 September 2001 and reaffirmed its unconditional rejection and vigorous condemnation of such practices in all their forms and regardless of their motives, seeking as they do to spread anarchy and terror and to take the lives of innocent civilians.

In this context, the Supreme Council affirmed its support for the international coalition to eliminate terrorism under the leadership of the United States of America. It reaffirms that it is fully prepared to cooperate with the international community to address this devastating manifestation, and it calls for concerted international efforts to convene a world summit conference to formulate international principles and norms to combat terrorism and its causes.

The Supreme Council calls upon leaders of opinion, intellectuals and scholars in the Islamic world to endeavour to communicate the values and principles of Islam based as they are on a spirit of tolerance, the rejection of violence and the prohibition of suicide, which are hallmarks of the doctrines of the Islamic religion. It urges peoples of other religions to be positive and reasonable and not to hold Islam responsible for actions and practices that are very far removed from the spirit of Islam and its exalted beliefs.

The Supreme Council expressed its highest appreciation of the great and devoted efforts made by His Highness Sheikh Hamad Bin Isa Al Khalifa, Amir of Bahrain, during the term as chairman of the twenty-first session of the Supreme Council, in conducting consultations for the implementation of Council decisions through which important advances were made in all fields of joint action and the GCC made further progress towards prosperity and the enhanced security and stability of its member States and their peoples.

The Supreme Council lauded the positive role being played by His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of Qatar, chairman of the ninth session of the Islamic Summit Conference, in supporting joint Islamic action and promoting the causes of the Islamic Community.

The Supreme Council also conveyed its deep appreciation and gratitude to His Majesty Sultan Qaboos Bin Said, Sultan of Oman, and to his Government and people for the generous hospitality and genuine fraternal sentiments with which the leaders of the GCC countries and members of participating delegations had been received. The leaders of the GCC countries commended the attention and interest accorded to the gathering by His Majesty Sultan Qaboos Bin Said, Sultan of Oman, Chairman of the current session of the Supreme Council. They commended his judicious conduct of the proceedings, which had had a major impact on the important results achieved and the decisions taken, and they expressed confidence that Oman, under the leadership of His Majesty, would, as it presides over the work of the session, contribute to strengthening this auspicious process in such a way as to realize the aspirations and ambitions of the peoples of the GCC countries.

The Supreme Council expressed its deep appreciation of the great and devoted endeavours of His Excellency Sheikh Jamil Ibrahim Al-Hujeilan, GCC Secretary-General, and of the effective contributions he has made to this worthy process and to the achievement of important advances with the great effort, copious time and long experience he has invested during his term of office at the head of the GCC secretariat.

The Supreme Council decided to appoint His Excellency Minister of State Abdul Rahman bin Hamad al-Attiyah, of Qatar, as Secretary-General of the Gulf Cooperation Council to succeed His Excellency Sheikh Jamil Ibrahim Al-Hujeilan when he completes his term of office at the end of March 2002. The Supreme Council wishes the new Secretary-General every success in his work.

The Supreme Council looks forward to meeting at its twenty-third session, scheduled to be held, God willing, in Qatar in December 2002 at the kind invitation of His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of Qatar.

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Security Council

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 28 January 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to several acts of Palestinian terrorism that occurred over this past weekend.

On Friday afternoon, 25 January 2002, at approximately 11.15 a.m. (local time), a Palestinian suicide bomber detonated explosive charges in a densely populated neighbourhood in south Tel Aviv. Twenty-five people were wounded in the attack, three of them seriously, including a four-year-old boy. In an announcement carried the following evening on Al-Manar, the television station of the terrorist organization Hizbullah, the perpetrator was identified as Safwat Khalil, a member of Islamic Jihad.

Barely 48 hours later, at approximately 12.20 p.m. (local time) on Sunday, 27 January, a Palestinian terrorist detonated powerful explosives just off of Jaffa Road in the crowded heart of downtown Jerusalem. The blast wounded more than 150 people, 4 of them seriously, and killed 1 Israeli, 81-year-old Pinhas Tokatli. This is the second lethal terrorist attack to occur on Jaffa Road within five days. Hizbullah's Al-Manar television station again identified the terrorist, in this case Shinaz Amuri.

These attacks are the latest incidents in the continuing campaign of Palestinian terrorism directed specifically at Israeli civilians. Previous attacks have been detailed in my letters dated 22 January 2002 (A/56/788-S/2002/104), 18 January 2002 (A/56/781-S/2002/86), 16 January 2002 (A/56/774-S/2002/73), 11 January 2002 (A/56/771-S/2002/47), 4 January 2002 (A/56/766-S/2002/25), 13 December 2001 (A/56/706 S/2001/1198), 4 December 2001 (A/56/678-S/2001/1150), 30 November 2001 (A/56/670-S/2001/1141), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001

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(A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

Israel holds Chairman Arafat and the Palestinian Authority responsible for these attacks in the light of their continuing support for terrorist operations against Israeli civilians and the central role of factions under the direct authority of Chairman Arafat in perpetrating terrorist attacks. Despite efforts by concerned and responsible members of the international community, the Palestinian leadership continues to work to intensify and enhance terrorist operations against Israel. Even while he professes his desire for an end to violence and a political dialogue with Israel, Chairman Arafat continues to incite his people to violence with constant talk of holy war and martyrdom.

Arafat's statements to his own people are rife with references to constant and enduring conflict. At a rally on 26 January 2002, on the day between the two terrorist attacks described above, Arafat promised that the battle would continue until victory and prayed that he would be given the honour of martyrdom. The following day, the Palestinian Authority released yet another group of terrorists from prison, including the head of Islamic Jihad in Bethlehem, a group widely recognized as a terrorist organization. Such releases of known terrorist routinely occur quietly several days after the Palestinian leadership — under pressure from, and for the benefit of, Western Governments — has arrested them.

Since the outbreak of violence in September 2000, the Palestinian leadership has had every opportunity to fulfil its obligations to end violence against Israeli civilians and to uproot the extensive terrorist infrastructure that has taken root in the territory under its control. Time and again, the Palestinian leadership has failed to rise to the challenge and take the actions required of a responsible and law-abiding authority. Violence against civilians, including children, is a tactic that has retained support, both active and tacit, from the highest levels of the Palestinian administration.

It is imperative that, at a time when the world is uniting to combat the common threat of terrorism, the international community makes clear its total rejection of, and intolerance for, regimes which support terrorism and persistently and wilfully flout the will of the international community and the resolutions of the Security Council.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/799–S/2002/128

General Assembly
Security Council

Distr.: General
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General Assembly
Fifty-sixth session
Agenda items 21 (d), 25, 33, 41, 69 and 90

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of the Islamic Conference

United Nations Year of Dialogue among Civilizations

Return or restitution of cultural property to the countries of origin

Question of Palestine

Developments in the field of information and telecommunications in the context of international security

Questions relating to information

Security Council
Fifty-seventh year

Letter dated 29 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

Further to my letter dated 2 January 2002 (A/56/764-S/2002/14), I have the honour to transmit to you herewith the resolutions of the Third Session of Ministers of Culture of the Organization of the Islamic Conference, held in Doha during the period from 29 to 31 December 2001 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda items 21 (d), 25, 33, 41, 69 and 90, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

02-23554 (E) 130202

Annex to the letter dated 29 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic, English and French]

Resolutions of the Third Islamic Conference of Culture Ministers

Doha, Qatar, 29-31 December 2001/14-16 Shawal, 1422 A.H.

Resolution on
Adoption of the Draft Agenda

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Having considered the Draft Agenda of its 3rd Session contained in document (ICCM3/2001/1.1 Amended),

- Considering the deliberations which have taken place,

Decides the following :

- Adopts the Agenda of its current 3rd Session as contained in document (ICCM3/2001/1.1 Amended).

Resolution on
Adoption of the Draft Programme

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Having considered the Draft Programme of its 3rd Session contained in document (ICCM3/2001/1.2 Amended),

- Considering the deliberations which have taken place,

Decides the following :

- Adopts the Programme of its current 3rd Session as contained in document (ICCM3/2001/1.2 Amended).

Resolution on
Composition of the steering
Bureau of the Conference

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

Decides the following :

Elects the Bureau of the 3rd Islamic Conference of Culture Ministers as follows:

- *Chairman:* State of Qatar
- *Vice-Chairmen:*
  - * Islamic Republic of Pakistan
  - * Palestine
  - * Republic of Niger
- *Rapporteur:* Kingdom of Morocco

A/56/799
S/2002/128

Resolution on
Implementation of the Resolutions of Second Islamic Conference of Culture Ministers on the Implementation of the Cultural Strategy for the Islamic World

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Based on the Charter of the Organization of the Islamic Conference and the principles and objectives enshrined therein,
- Inspired by the Makkah Al-Mukarramah Declaration issued by the Third Islamic Summit Conference,
- In accordance with the Charter of the Islamic Educational, Scientific and Cultural Organization and the principles and objectives set out therein,
- Guided by the principles and objectives of the Cultural Strategy for the Islamic World,
- Considering the Resolutions of the Ninth Islamic Summit Conference,
- Recalling the resolutions of the Second Islamic Conference of Culture Ministers,
- Having considered the report of the Director General of the Islamic Educational, Scientific and Cultural Organization on the implementation of the resolutions of the Second Islamic Conference of Culture Ministers on the implementation of the Cultural Strategy for the Islamic World,
- Having examined the reports of the Consultative Council for Implementation of the Cultural Strategy for the Islamic World on its first and second meetings,

Decides the following :

1- **Affirms** its mandate to the Islamic Educational, Scientific and Cultural Organization, in its capacity as the specialized body within the Organization of the Islamic Conference and considering the fact that it is the living cultural conscience of

the Muslim World, to pursue the implementation of the Cultural Strategy for the Islamic World and to follow up to its implementation through the Consultative Council set up for that purpose, as well as to collaborate with relevant quarters in the Member States and the OIC General Secretariat.

2- **Stresses** the need to step up, coordinate, and pool efforts and marshal potentialities and resources in order to give strong impetus to the implementation mechanisms of the Cultural Strategy for the Islamic World and to adapt them to the regional and international developments as it is a flexible action plan and a dynamic framework that meet the requirements of the comprehensive and multi-purpose development of the Muslim world, taking into consideration difference in situation and diversity in options and in national cultural policies of each Member State.

3- **Exhorts** the Member States to incorporate the cultural principles that help shape the individual, build civilization and attain development and progress, principles enshrined in the spirit of the Islamic civilization, into the core of national cultural policies; and stresses the need to promote the factors of compelementarity, inter-relationship and solidarity within Islamic brotherhood that holds together the peoples of the Muslim Ummah and to adopt it as a foundation of the joint Islamic cultural action.

4- **Stresses** the critical importance of deepening the concept of the cultural and civilizational unity of the Muslim Ummah, of strengthening that concept and harnessing it in order to shape the cultural identity of the Muslim World for it is the hard core that stands fast in the face of the globalization challenges which are sweeping away the specificities of peoples and menacing their own cultural identities.

5- **Calls** upon the Member States which do not have national cultural councils, to create them, in order for the latter to coordinate activities of the cultural action therein, for the purpose of implementing the Cultural Strategy for the Islamic World, whether as part of the mission devolved on the culture ministries of the Muslim States or their respective national cultural councils, so that those councils may become bodies that support and complement already existing institutions.

6- **Adopts** the reports of the Consultative Council for the implementation of the Cultural Strategy for the Islamic World, on its first and second meetings.

7- **Calls upon** Member States wishing to implement cultural projects, to submit those projects to the Islamic Educational, Scientific and Cultural Organization which shall refer them to the Consultative Council for Implementation of the Cultural Strategy for the Islamic World.

8- **Commends** the role of the Islamic Educational, Scientific and Cultural Organization, in its capacity as the body specialized, at the Muslim world level, in developing the guidelines for the cultural development of the Muslim world, and which has been entrusted with the task of coordinating the joint Islamic cultural action and following up its steps; and stresses the importance of the Islamic Organization mobilizing the Member States of the Organization of the Islamic Conference, in order to support executive programmes of the Strategy in a continuous manner.

9- **Invites** all the Member States to allocate additional financial resources to support the Islamic Educational, Scientific and Cultural Organization to allow it to continue following up the implementation of the Cultural Strategy for the Islamic World and to redouble its efforts in order to activate it, in a manner that would not affect the budget earmarked for the implementation of the programmes scheduled under ISESCO's Action Plan.

10- **Invites** the Director General of the Islamic Educational, Scientific and Cultural Organization to submit a report on the subject to the 4th Session of the Islamic Conference of Culture Ministers.

Resolution on
Implementation of the Islamic Cultural Action in the West

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Based on the Charter of the Organization of the Islamic Conference and the principles and objectives enshrined therein,
- Inspired by the Makkah Al-Mukarramah Declaration issued by the Third Islamic Summit Conference,
- In accordance with the Charter of the Islamic Educational, Scientific and Cultural Organization and the principles and objectives set out therein,
- Guided by the principles and objectives of the Cultural Strategy for the Islamic World,
- Considering the Resolutions of the Ninth Islamic Summit Conference,
- Having examined the report of the Director General of the Islamic Educational, Scientific and Cultural Organization on the implementation of the Strategy for Islamic Cultural Action in the West,

Decides the following :

1- **Stresses** the importance of activating the role of the Higher Council for Education and Culture in the West operating within the framework of the Strategy for Islamic Cultural Action in the West, and calls upon the Member States of the Organization of the Islamic Conference to provide financial and moral support to the Higher Council for Education and Culture in the West through the Islamic Educational, Scientific and Cultural Organization.

2- **Calls upon** the Islamic Educational, Scientific and Cultural Organization to elaborate a comprehensive perception reflecting its integrated vision of Islamic cultural action in the West in the light of the international developments, as part of its current Action Plan for the years 2001-2003 and within the limits of its budget.

Resolution on
Activities of the Islamic Educational, Scientific and Cultural Organization under the International Year of Dialogue among Civilizations

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Based on the Charter of the Organization of the Islamic Conference and the principles and objectives enshrined therein,
- Inspired by the Makkah Al-Mukarramah Declaration issued by the Third Islamic Summit Conference,
- In accordance with the Charter of the Islamic Educational, Scientific and Cultural Organization and the principles and objectives set out therein,
- Guided by the principles and objectives of the Cultural Strategy for the Islamic World,
- Considering the Resolutions of the Ninth Islamic Summit Conference,
- Having considered the report of the Director General of the Islamic Educational, Scientific and Cultural Organization on the activities implemented by the Islamic Organization under the International Year of Dialogue among Civilizations,

Decides the following :

1- **Reaffirms** the position of the Muslim world on dialogue among civilizations based on Islam's principles and teachings of tolerance, commanding tolerance among civilizations, peaceful co-existence and mutual respect for cultural and civilizational specificities of nations.

2- **Invites** the other parties to show receptiveness to the positive stance of the Muslim world with regard to dialogue among civilizations and to testify to sincere desire for achieving understanding among the peoples of the world and preventing injustice, aggression, usurpation of legitimate rights and negation of the cultural specificities of peoples.

3- **Calls upon** the international community to pursue dialogue among civilizations and to regard it as a continuous subject and a permanent issue constantly present on the international scene, and not confined or limited to one year only.

4- **Appeals** to international parties, including organizations, institutions, bodies and personalities concerned with issues bearing on human destiny, to give utmost consideration to dialogue among civilizations and to gear it towards the fostering of peace and security, justice and stability in the world.

5- **Commends** the efforts of the Islamic Educational, Scientific and Cultural Organization in implementing several activities under the United Nations' Year of Dialogue among civilizations, and invites ISESCO to pursue these efforts through international fora, in order to convey Islam's civilizational message, and to make clear the Muslim world's position on dialogue among civilizations.

Resolution on
the Recommendations of the Specialized Commissions of the OIC on the Cultural Strategy for the Islamic World

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Based on the Charter of the Organization of the Islamic Conference and the principles and objectives enshrined therein,
- Inspired by the Makkah Al-Mukarramah Declaration issued by the Third Islamic Summit Conference,
- In accordance with the Charter of the Islamic Educational, Scientific and Cultural Organization and the principles and objectives set out therein,
- Guided by the principles and objectives of the Cultural Strategy for the Islamic World,
- Considering the Resolutions of the Ninth Islamic Summit Conference,
- Having examined the report of the Director General of the Islamic Educational, Scientific and Cultural Organization on the recommendations of the specialized commissions of the OIC on the Cultural Strategy for the Islamic World,

Decides the following :

1- **Reaffirms** the resolutions of the relevant parties of the Organization of the Islamic Conference on the Cultural Strategy for the Islamic World, and invites the Islamic Educational, Scientific and Cultural Organization to follow up its implementation.

2- **Commends** the efforts of the Islamic Educational, Scientific and Cultural Organization in implementing the resolutions of the Second Islamic Conference of Culture Ministers.

3- **Praises** the initiatives of the Islamic Educational, Scientific and Cultural Organization for developing cooperation and partnership with Arab, Islamic and international organizations to implement the Cultural Strategy for the Islamic World, and invites it to further coordination in the common fields with those organizations to avoid duplication of efforts.

Resolution on
Western Media Denigration of Islam and Islamic Civilization under the Present International Juncture

The Third Islamic Conference of Culture Ministers, held under the high patronage of His Highness Sheikh Hamad Bin Khalifa Al-Thani, may Allah protect him, Emir of the State of Qatar, President of the Ninth Islamic Summit Conference, at Doha, on 14-16 Shawal, 1422 A.H. / 29-31 December, 2001,

- Based on the Charter of the Organization of the Islamic Conference and the principles and objectives enshrined therein,
- Inspired by the Makkah Al-Mukarramah Declaration issued by the Third Islamic Summit Conference,
- In accordance with the Charter of the Islamic Educational, Scientific and Cultural Organization and the principles and objectives set out therein,
- Guided by the principles and objectives of the Cultural Strategy for the Islamic World,
- Considering the Resolutions of the Ninth Islamic Summit Conference,
- Having examined the report of the Director General of the Islamic Educational, Scientific and Cultural Organization on media denigration of Islam and Islamic civilization in the West,

Decides the following :

1- **Condemns** the tendentious smear campaign staged by Western media against Islam to distort its bright image, obliterate its crystal-clear reality, denigrate Muslims, cause prejudice to them, harm their interests and besmirch their reputation among the international community.

2- **Mandates** the Islamic Educational, Scientific and Cultural Organization to develop a detailed programme to refute the denigration campaings mounted by the Western media against Islam and Islamic civilization. This programme shall be submitted to the Member States of the Organization of the Islamic Conference to benefit therefrom in repelling these campaigns.

3- **Invites** all Member States to take initiatives at the level of their own information bodies, whether governmental or non-governmental, within their own possibilities and their national cultural and media policies, in order to contribute to rehabilitating the image of Islam in the West. The Islamic diplomatic missions at the Western capitals will be made, through the relevant departments of their countries, to participate in those efforts.

4- **Stresses** the fact that the response to media denigration of Islam and Islamic civilization is a responsibility commonly shared by all Member States, as well as by non-governmental media, by men of thought, science and culture and media specialists in general.

United Nations A/56/800

General Assembly

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Fifty-sixth session
Item 169
Administration of justice at the United Nations

Administration of justice in the Secretariat

Report of the Secretary-General*

Summary

The present report is submitted pursuant to the request of the General Assembly in section XI of its resolution 55/258 of 14 June 2001. In response to that request, the report outlines the status of consideration of certain aspects of the administration of justice in the Secretariat, including the role of the Joint Appeals Board and the outcome of its work, as well as the establishment in the Secretariat of an ombudsman function. The report also considers the request of the Assembly, in the same resolution, that the Secretary-General take the necessary measures to "close the gap", as appropriate, between the statutes of the United Nations Administrative Tribunal and the Administrative Tribunal of the International Labour Organization with respect to specific performance of an obligation and compensation limits.

* The present report is being submitted at this time owing to the need to complete the consultation process with staff and management on the issue of the administration of justice.

02-23642 (E) 140202

1. In its resolution 55/258 of 14 June 2001, the General Assembly considered certain aspects of the internal system of justice in the United Nations, welcomed the Secretary-General's proposals for establishing a function of ombudsman and providing legal training courses to new members of the Joint Appeals Board (JAB) and Joint Disciplinary Committee (JDC) and requested the Secretary-General to review other aspects, including the role of the JAB and the difference between the statutes of the United Nations Administrative Tribunal (UNAT) and the Administrative Tribunal of the International Labour Organization (ILOAT) with regard to specific performance of an obligation and compensation limits, and to report thereon to the Assembly at its fifty-sixth session. The present report is submitted pursuant to that request.

I. Role of the Joint Appeals Board

2. In section XI, paragraph 4 of resolution 55/258, the General Assembly requested the Secretary-General to submit a report, after consultations with the staff, on the possible amendments to the Staff Rules and Regulations to review the role of the Joint Appeals Board, taking into account the following four options:

(a) To maintain the JAB as an advisory body, subject to four changes;

(b) To maintain the JAB as it currently functions;

(c) To change the JAB from an advisory body to a semi-judicial body with the power to take decisions;

(d) To effect other changes that might flow from staff consultations.

A. First option: maintain the Joint Appeals Board as an advisory body, subject to four changes

3. The **first change** mentioned in the resolution is that members representing the staff should be elected solely by the staff, without prejudice to the right of the Secretary-General to appoint members representing the Administration. In practice, this is already the situation under staff rule 111.1, which provides for election by the staff of a number of members equal to the number appointed by the Secretary-General.

4. The **second change** mentioned in the resolution consists of two elements: the first relates to the **selection** of the chairpersons; the second to the consideration whether there is a need for a **full-time chairperson**.

5. Under the first element the JAB chairpersons would be jointly selected by staff and management. This reflects current informal practice and would only have to be formalized through an amendment to staff rule 111.1 (b) (i). To that end, the text of a proposed amendment to staff rule 111.1 (b) (i) is contained in annex I to the present report.

6. The second element requires examination of whether there is a need for a full-time chairperson. Possible advantages of a full-time chairperson would be to enhance the continuity and consistency of JAB reports and to ensure the immediate availability of someone fully trained and familiar with the functions. However, continuity and consistency are already addressed by the institution of a presiding officer of the JAB and the provision of technical advice by the JAB secretariat. With respect to immediate availability, experience shows that delays in constituting JAB panels are not caused by the lack of chairpersons, who are sufficiently numerous to participate in panels as required, but by the lack of available members elected by the staff. A full-time chairperson would not cure that problem. The Secretary-General is therefore convinced that there is no need or justification for requesting the endorsement of the General Assembly for the additional funding that would be required for the establishment of a full-time chairperson (usually at the P-5 level or above) for each of the standing JABs in New York, Geneva, Vienna and Nairobi.

7. The **third change** mentioned in the resolution relates to the current power of the JAB to suspend action on a contested decision. Currently, decisions on requests to suspend an administrative decision are taken by the Under-Secretary-General for Management on behalf of the Secretary-General after consideration and advice by the JAB. The decisions on requests for suspension of action are not subject to appeal.[1]

8. Giving the JAB the authority to decide, rather than advise, on whether an administrative decision should be suspended would represent a radical change raising a major constitutional issue. In accordance with Article 97 of the Charter of the United Nations, the Secretary-General is the chief administrative officer of

the Organization and may not be bound by decisions made by staff who are under his authority (see paras. 15-21 for a discussion of this issue). The Secretary-General, therefore, would not support a change in the current power of the JAB to suspend action on a contested decision.

9. The **fourth change** would limit the time available for the JAB to produce its report and recommendations to three months from the date of receipt of the appeal.

10. The purpose of the change is clearly to prevent the long delays currently experienced from the time an appeal is submitted to the JAB until it issues its report. In many cases, this period may exceed one, sometimes two years. It is important to recall that delays may occur at several stages:

(i) Upon receipt of an appeal, the JAB secretariat forwards it to the respondent (i.e., the designated representative of the Secretary-General) for reply. Under staff rule 111.2 (g), the respondent has two months to do so.

In reality, the respondent (in New York, the Office of Human Resources Management) must regularly request an extension of this statutory time limit, due to insufficient resources to deal with all appeals on a timely basis, while giving first priority to disciplinary cases.

(ii) The JAB transmits a copy of the respondent's reply to the appellant, who will often submit comments on the reply. These comments are transmitted to the respondent who, typically, will respond only if the comments contain new arguments or facts. The appellant may make another written submission afterwards if there is a response by the respondent. All these exchanges may add several weeks, or even months, to the process.[2]

(iii) Once all the written pleadings are completed, a JAB panel is constituted to consider the appeal. This may take several weeks, sometimes longer.

(iv) The JAB panel may decide to consider the case with or without a hearing. Holding a hearing typically adds one or more weeks to the process. Complex cases may require a longer time, especially when the panel needs additional information which may be difficult and/or time-consuming to obtain. There is no statutory limit, only the provision in staff rule 111.2 (m) that, in considering an appeal, the panel shall act with the maximum dispatch consistent with the review of the issues before it.

(v) The JAB panel prepares its report and recommendations.

Stages (iii), (iv) and (v) are also frequently delayed because of lack of resources in the JAB secretariat, which does not have a sufficient number of alternate secretaries to assist the JAB panels in their work, or because there are not enough available JAB members, or because of the complexity of some cases.

(vi) The case is then transmitted to the Under-Secretary-General for Management for final decision. Under staff rule 111.2 (p), the decision is normally within one month after the JAB panel has forwarded its report.

Delays may also occur at this stage when the Under-Secretary-General for Management receives reports in unusually high numbers or on cases of particular complexity involving issues that require additional fact-finding and research.

11. Introducing a requirement that the JAB produce its report within three months of the date of receipt of the appeal would not appear to be in the best interests of any of the parties, nor would it be realistic at this point, given the lack of adequate resources. The Secretary-General shares the concern expressed by the staff and the General Assembly about the delays in the appeals process. He considers it essential to obtain a systematic review of the process in order to identify where the bottlenecks are, and to develop solutions accordingly. He has therefore requested the Office of Internal Oversight Services to conduct a management review of the entire appeals process to that effect.

B. Second option: maintain the Joint Appeals Board in its current form

12. The second option mentioned in the resolution is to maintain the current status of the JAB.

13. The core element of the JAB is peer review by an advisory body. Peer review is a very important feature, which is one of the preferred solutions among a variety of alternative dispute resolution mechanisms, which are being developed in many countries. The procedure in

place at the United Nations also includes the selection of members by the staff representative bodies, which is not always the case in other peer review systems. This does not mean that the current system functions perfectly, but the problems derive for the most part from a lack of adequate resources. The solution therefore should address that issue while preserving the essential features of the current system, which themselves do not appear to be the problem.

14. The advisory nature of the JAB recommendations is based on the Charter (see paras. 15-21). The provision of training for JAB/JDC members would ensure that the reports and recommendations can more consistently be accepted by the Secretary-General. The Secretary-General therefore endorses the option of maintaining the JAB in its current form, while at the same time endorsing the additional corrective measures referred to above, such as additional training for the JAB members and conducting a management review to identify the bottlenecks in the appeals system.

C. Third option: changing the nature of the Joint Appeals Board from an advisory body to a semi-judicial body with the power to take decisions

15. This option was the basis for the Secretary-General's proposals for the reform of the internal justice system in 1994 and 1995.[3] As explained at the time, the proposals were developed with a view to preserving fully the authority of the Secretary-General as chief administrative officer of the Organization, which flows from Article 97 of the Charter. This precludes the possibility of having staff members, who are subject to the Secretary-General's authority under staff regulation 1.2 (c), from making decisions binding upon him. Accordingly, it was proposed to replace the JAB composed of staff members by a body of professional arbitrators who would not be "staff members" but "officials".[4] This change would have required extensive amendments to the Staff Regulations and Rules, as well as to the statute of the Administrative Tribunal.[5]

16. The proposal to replace the existing Joint Appeals Board by an arbitration board composed of "officials" who would not be staff members and could therefore legally make decisions binding on the Secretary-General was closely reviewed. It generated a number of negative comments. The Administrative Tribunal explained that the JAB system,

> "because it ordinarily utilizes individuals experienced and knowledgeable regarding the unique features of United Nations staff relationships, thus starts with an important advantage in dealing with issues presented to it and in formulating recommendations. This is of considerable value, not only from the standpoint of staff confidence and informed advice to the Secretary-General, but also owing to the insights and assistance available to the Tribunal from JAB reports."[6]

Subsequently, the Tribunal expressed the view that the JABs, on the whole, had been performing commendably and had made a valuable contribution to the system of justice within the United Nations.[7] The Tribunal favoured a phased approach to reform, which would give an opportunity to assess the effectiveness of less extreme and less costly measures, such as the introduction of an ombudsman system. A phased approach would permit an evaluation of the manner in which each measure might affect the others,[8] and would allow for a more informed judgement to be made as to whether there was a need for any other structure and, if so, what its contours should be.[9] As to the cost implications, the Tribunal indicated that, in the United States of America, for example, it was not uncommon for experienced arbitrators to charge fees of the order of $1,500 per day (this was in 1995), plus expenses, to which should be added the cost of producing transcripts of hearings and the cost of travel, daily allowances and interpretation/translation for arbitrators from abroad who would be retained to ensure equitable geographical distribution.[10]

17. The Advisory Committee on Administrative and Budgetary Questions gave great importance to the views of the Administrative Tribunal, including its concerns about the real costs of the proposal. The Committee pointed out that progress had already been made in the expeditious processing of cases and that the proposals relating to early reconciliation and resolution of disputes should go a long way towards minimizing the actual number of matters referred to formal proceedings.[11] The Committee believed that a number of measures, such as fostering conciliation and early resolution of disputes, strengthening the offices handling the appeals and providing advice to staff members, and simplification/rationalization of existing

administrative and personnel practices, should address in a positive way the existing problems and shortcomings. It concluded that those changes should be evaluated after a reasonable period of implementation, with a view to determining what further measures might be necessary.[12] The Committee did not support the proposed replacement of the JAB.

18. The United Nations Staff Union also expressed a number of reservations[13] and indicated in a statement to the Fifth Committee that it had to withdraw support for the proposed reforms because it believed that staff members should have the right to have their cases heard by their peers.[14]

19. After extensive consideration of the Secretary-General's proposal in the Fifth Committee, the General Assembly, on the recommendation of the Fifth Committee, invited the Sixth Committee to examine the legal implication of the proposal.[15] In the Sixth Committee, the contention that participation of the staff in the JAB and the JDC was a source of inefficiency and delay was disputed and the validity of that contention as a reason for replacing those bodies was rejected. Among the criticisms of the proposed system, serious doubts were expressed about the suitability of arbitration within the Organization and about the recruitment of arbitrators from outside the United Nations, as they would lack the benefit of familiarity with the special regime pertaining to United Nations staff.[16]

20. In the end, the Under-Secretary-General for Management informed the Fifth Committee that, in view of the comments made, the entire question of arbitration would have to be rethought and fresh proposals would have to be prepared, consisting of elements that would work together and reinforce one another.[17]

21. The constitutional obstacle preventing staff members from rendering decisions binding on the Secretary-General remains. This problem can be resolved only by replacing the JAB with a new body which would not be composed of staff members. In view of the negative reactions to the proposal to do so only a few years ago, this does not seem to be a viable option. At this point, the Secretary-General proposes to maintain the positive elements of the current system, that is, advice provided by a joint body of peers, and to rectify the problems currently experienced by that system.

D. Fourth option: other changes flowing from staff consultations

22. The Secretary-General consulted extensively with staff on matters pertaining to the administration of justice. A working group of the Staff-Management Coordination Committee (SMCC) met in New York from 26 February to 2 March 2001 and its report was considered further by the Committee itself, which met also in New York from 4 to 11 October 2001. In both instances, the discussions were carried out in a constructive and collaborative spirit, resulting in several SMCC agreements in respect of particular aspects of the internal system of justice, including in respect of the terms of reference of the ombudsman (see paras. 27-29 below and annex II to the present report); the desirability of a uniform time limit for conducting administrative reviews (see para. 23); and the need to continue the dialogue between staff and management in this area. With respect to the role of the JAB, the Committee reached the following agreements:

(a) Statistical information would be provided by the JABs/JDCs to monitor trends in the administration of justice. This agreement is also in line with General Assembly resolution 55/258, in which the Assembly requested the Secretary-General to submit annual reports on the outcome of the work of the Joint Appeals Board;

(b) An administrative issuance would be promulgated to codify the practice concerning acceptance of unanimous recommendations of the JABs/JDCs;

(c) There would be free choice of counsel, including outside counsel, in the interest of equal representation of both parties at the JAB/JDC level. In addition, the Secretary-General recalls that, as of recently, staff members of the Office of Legal Affairs who are not involved in the preparation of cases for submission to the United Nations Administrative Tribunal are now allowed to act as counsel to staff members, and the bar has been removed against separated staff members other than retirees acting as counsel. Staff who do not wish to avail themselves of these newly available resources and wish to retain outside counsel may do so at their own expense. The relevant text of the Secretary-General's proposed amendments to staff rules 110.4, 110.7, 210.1, 310.1 and 111.2 is contained in annex I to the present report;

(d) Official recognition would be given to the contribution of staff members who volunteer to serve on the various bodies of the administration of justice;

(e) Provision would be made in the Staff Rules that undue interference in the justice process will not be tolerated and would constitute misconduct. The relevant text of proposed amendments to staff rules 101.2, 201.2 and 301.3 is contained in annex I to the present report.

23. SMCC also considered a closely related subject matter, namely, the importance of conducting administrative reviews, thereby providing an opportunity for the Administration to evaluate contested decisions so as to avoid unnecessary appeals, as well as for decision makers to reconsider their decisions in the light of that evaluation.[18] The Committee considered the desirability of establishing a uniform two-month review period for staff serving at Headquarters and elsewhere and agreed that a decision on the length of a uniform time limit for conducting administrative reviews should be postponed until after the completion of the management review of the appeals process by the Office of Internal Oversight Services.

II. Outcome of the work of the Joint Appeals Board

24. In section XI, paragraph 5, of its resolution 55/258, the General Assembly also requested the Secretary-General to report to the Assembly on an annual basis on the outcome of the work of the Joint Appeals Board. Table 1 sets out information on the work of the JABs in New York, Geneva, Vienna and Nairobi for the years 2000 and 2001. Information on the Secretary-General's decisions on JAB reports is also provided.

Table 1
Number of appeals and suspension-of-action cases filed and disposed of by all JABs per year[a]

Standing JABs	*2000*	*2001*
New York: appeals filed	82	79
New York: appeals disposed of	56	79
Geneva: appeals filed	24	19
Geneva: appeals disposed of	37	11
Vienna: appeals filed	6	5
Vienna: appeals disposed of	1	7
Nairobi: appeals filed	8	12
Nairobi: appeals disposed of	9	8

[a] Disciplinary cases are also handled by the JAB secretariats and they are considered on a priority basis.

25. As can be seen from table 1, the number of appeals filed with the New York and Geneva JABs during 2001 slightly decreased over the year before. Another difference between the two periods concerns the number of cases disposed of by the Geneva JAB which, by 2001, had disposed of its significant backlog, as demonstrated by the high number of cases disposed of during 2000. Furthermore, the New York JAB and the Vienna JAB in 2001 disposed of significantly more cases in 2001 than during 2000. As to the number of pending appeals, it is effectively non-existent in the Vienna and Nairobi JABs, and rather modest in the Geneva JAB. However, the number of pending cases is a continuing problem for the New York JAB, which had in its docket some 140 pending appeals by the end of 2001. However, not all cases included in that number are ready for consideration by the JAB; indeed, the number of cases where all the exchange of written pleadings between the parties has been completed is 50.

Table 2
Breakdown of decisions by the Secretary-General on unanimous JAB recommendations on appeals and requests for suspension of action

Year	*JAB reports from*	*Total number of decisions on JAB reports*	*Total number of JAB unanimous recommendations*	*Total number of JAB unanimous recommendations fully accepted by the Secretary-General*	*Total number of JAB unanimous recommendations partially accepted by the Secretary-General*	*Total number of JAB unanimous favourable recommendations rejected by the Secretary-General*
2000	New York	56	49	34 (69%)	0	15 (31%)
	Geneva	16	16	15 (94%)	0	1 (6%)
	Vienna	2	2	2 (100%)	0	0
	Nairobi	9	8	8 (100%)	0	0
Total		**83**	**75**	**59 (79%)**	**0**	**16 (21%)**
2001	New York	61	59	41 (70%)	3 (5%)	15 (25%)
	Geneva	16	16	13 (81%)	3 (19%)	0
	Vienna	5	5	5 (100%)	0	0
	Nairobi	5	5	4 (80%)	0	1 (20%)
Total		**87**	**85**	**63 (74%)**	**6 (7%)**	**16 (19%)**

26. As can be seen from table 2, the percentage of full and partial acceptances, by the Secretary-General of the unanimous recommendations of the JABs is quite high (79 per cent during 2000, and 81 per cent during 2001). As for the percentage of the Secretary-General's rejections of unanimous JAB recommendations that were favourable to the appellants, it is relatively low in both periods and there is a slight decrease in 2001 (21 per cent in 2000, and 19 per cent in 2001). This is in line with the stated policy of the Secretary-General to normally accept unanimous recommendations unless there is a compelling reason of law or policy not to do so. In all such instances, the decisions of the Secretary-General provide detailed reasons for such rejection, which in most cases is attributable to the incorrect application of law or policy by the JAB or inadequate fact-finding that is not supported by the available evidence. With the increased training for the JAB/JDC members in the applicable law and policies of the Organization and the availability of the web-based repository of the recent jurisprudence of the Administrative Tribunal (encompassing jurisprudence on judgements rendered from 1980 onwards), it is hoped and expected that unanimous recommendations will be more reliably supported by the evidence, will be in accordance with the applicable law, and therefore possible to accept. The Secretary-General, however, would still have the discretionary authority to reject unanimous JAB recommendations in the interest of the Organization.

III. Ombudsman

27. In its resolution 55/258, the General Assembly welcomed the proposal of the Secretary-General to establish a function of ombudsman. SMCC also recommended that there should be a clear reporting line of the Ombudsman to the Secretary-General in order to preserve the independence and ensure the effectiveness of the function.

28. The Secretary-General has endorsed the SMCC recommendation that the terms of reference of the Ombudsman would be as set out in annex II to the present report. Moreover, the Ombudsman, while based at Headquarters, would service all duty stations, including field missions. As it is a new function, the Secretary-General considers it advisable to gain some experience and an appreciation of the volume of work involved in order to determine whether there is a need for additional support to the function, and if so, to develop a broader system in the light of the experience gained. Following the appointment of the first Ombudsman, all staff will be informed of the role and functions of the Ombudsman and of the ways in which they can bring matters of concern to his or her attention.

29. As had been indicated by the Secretary-General in his report of 1 August 2000, the establishment of the full-time function of the Ombudsman will strengthen the informal mediation process and, as a result, will replace the panels on discrimination and other grievances (A/55/253, annex V, para. 3). This view was also espoused by most staff representatives at the recent SMCC meeting.

30. The Secretary-General's proposal was that the post of the Ombudsman would be established at the D-2 level. However, the General Assembly, at its fifty-sixth session, decided to establish the position of Ombudsman at the level of Assistant Secretary-General in the Office of the Secretary-General, to be supported by a legal officer at the P-4 level, in place of the D-2 and the P-4 posts originally proposed under section 27A, Office of the Under-Secretary-General for Management.[19] The Secretary-General notes that the legal officer post at the P-4 level that will assist the Ombudsman had originally been proposed to provide legal backstopping to the Panel of Counsel. While the Secretary-General agrees that there is a need to provide adequate support to the Ombudsman, the necessity of strengthening the Panel of Counsel has not diminished. Therefore, the Secretary-General wishes to emphasize the continuing need of strengthening the Panel of Counsel, a need that has been recognized by both management and the staff, through the provision of a P-4 legal officer post.

IV. Training of members of the Joint Appeals Board and the Joint Disciplinary Committee

31. In section XI, paragraph 6, of its resolution 55/258, the General Assembly welcomed the intention of the Secretary-General to organize basic legal training courses for new members of the JABs and JDCs.

32. To that end, the Secretary-General is pleased to advise that the secretariat of the JAB and JDC at Headquarters organized three major training sessions for the members of the JAB and JDC during 2000 and 2001. The topics covered included issues concerning fixed-term appointments, promotions, the UNAT jurisprudence on those issues, the JAB rules of procedure, time limits, fact-finding, evidence, and so forth. In addition, the availability on the Intranet, as of November 2001, of the Case Digest and Jurisprudence Digest and Compendium of UNAT judgements (see also para. 34 below) will further facilitate the training of all JAB and JDC members, as well as of all other practitioners and staff at large.

33. The issue of training in the area of the administration of justice was also extensively discussed with staff at SMCC and its working group, who stressed the importance for such training to be given not only to the JAB/JDC members, but also to staff at large. In this regard, the Secretary-General considers that it is important to prioritize the training according to the most pressing needs. Rather than developing a multiplicity of training programmes at the same time, which would be very costly and time-consuming, the Secretary-General intends, as a first stage, to focus on the duty station having the greatest number of cases and the greatest number of practitioners involved in the justice system, that is, New York, where the initial training programme would be targeted to the needs and requirements of JAB and JDC members, Panel of Counsel members, as well as human resources and administrative officers, subject to the approval of additional resources. Training programmes for the

same categories of staff at offices away from Headquarters and in field missions would be developed and conducted subsequently, in the light of the experience gained from the training programme at Headquarters, also subject to the approval of additional resources.

34. Further agreements that were reached at SMCC in the area of training, and which were subsequently approved by the Secretary-General, include:

- Ensuring that induction courses for new staff members include information on the Organization's internal system of justice, on the dispute resolution mechanisms that are available to staff and on their due process rights;
- The development of a case digest of UNAT judgements that would be made available to all practitioners, including Staff Councils. The Secretary-General is pleased to advise that a new web site containing a Case and Jurisprudence Digest of Administrative Tribunal Judgements rendered from 1980 onwards was posted on the Headquarters Intranet (under Staff Services) in November 2001;
- Ensuring that every effort is made to identify internal resources prior to seeking external resources in connection with training in the administration of justice.

V. Differences between the statutes of the Administrative Tribunals of the United Nations and the International Labour Organization

35. In section XI, paragraph 7, of its resolution 55/258, the General Assembly took note of the observations of the Advisory Committee on Administrative and Budgetary Questions that there was "a gap" between the statutes of the United Nations Administrative Tribunal and the Administrative Tribunal of the International Labour Organization with respect to specific performance of an obligation and compensation limits, and requested the Secretary-General to take necessary measures to "close the gap" as appropriate between the statutes of the two Tribunals.

36. Article 10 of the UNAT statute provides:

> "1. If the Tribunal finds that the application is well founded, *it shall order the rescinding of the decision contested or the specific performance of the obligation invoked*. At the same time, the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgement, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his or her case, provided that such compensation shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, *order the payment of a higher indemnity*. A statement of the reasons for the Tribunal's decision shall accompany each such order." (emphasis added)

37. The corresponding article in the statute of the ILOAT, article VIII, reads as follows:

> "In cases falling under article II, the Tribunal, if satisfied that the complaint was well founded, shall order the rescinding of the decision impugned or the performance of the obligation relied upon. *If such rescinding of a decision or execution of an obligation is not possible or advisable, the Tribunal shall award the complainant compensation* for the injury caused to him." (emphasis added)

38. Therefore, the text of article 10, paragraph 1, of the UNAT statute does not pose any obstacles to the Tribunal's power to order specific performance or the rescinding of the contested decision, which is affirmed in the first sentence of the provision, which specifies that, "if the Tribunal finds that the application is well founded, *it shall order the rescinding of the decision contested or the specific performance of the obligation invoked*" (emphasis added). Both Tribunals are obliged, if they find a complaint well founded, to order the rescission of the impugned decision or the performance of the obligation relied upon. However, as stated in the 1987 report of the Secretary-General on the feasibility of establishing a single administrative tribunal:

> "... the two statutes contain substantially different provisions for the contingency that

rescission of performance might not be considered feasible or desirable:

"(a) In respect of ILOAT, it is the Tribunal itself that decides whether rescission or performance "is not possible or desirable", in which case it awards the applicant monetary compensation (not subject to any specific limit "...); however, in respect of the most sensitive situation, the reinstatement of a staff member, the ILO Administrative Tribunal has, in practice, only very rarely and in respect of lower-level officials, required such performance without giving the respondent organization the choice of paying compensation;

"(b) In respect of UNAT, the Tribunal must automatically fix, as part of its original judgement, an amount of compensation to be paid to the applicant (subject to a conditional limit ...), leaving it to the Secretary-General to decide, whether, "in the interest of the United Nations", he prefers to comply with the order for rescission or performance, or to pay the amount indicated by the Tribunal; in practice and especially in cases involving separation from service, he almost always chooses to pay the compensation rather than to grant reinstatement."[20]

Since the above report was issued, the Secretary-General has accepted to implement the order of UNAT to reinstate several staff members and/or comply with related orders in cases where this was found to be possible and consistent with his authority.[21]

39. In considering measures to align the statutes of the two Tribunals, the issue of specific performance should not be viewed in isolation. There are important differences between ILOAT and UNAT on a number of other points, notably the selection criteria and procedures of ILOAT judges and UNAT members. Although no specific qualifications are stated for either ILOAT judges or UNAT members, except that all on each Tribunal must have different nationalities, in practice UNAT members include persons of a wide variety of backgrounds, many having had some years of service as representatives to the General Assembly (some in its Fifth Committee), while ILOAT is staffed by professional judges from the highest levels of national court systems. Under article III, paragraph 1, of its statute, ILOAT shall consist of three judges and four deputy judges, who shall all be of different nationalities. Article 3, paragraph 1, of the UNAT statute, as amended by the General Assembly in its resolution 55/159 of 12 December 2000, requires that UNAT members "possess the requisite qualifications and experience, including, as appropriate, legal qualifications and experience".

40. ILOAT judges are appointed by the International Labour Conference, after nomination by the Director-General of ILO and following consultations with the ILO Staff Union and with the other organizations subject to the Tribunal; these nominations are submitted to the ILO Governing Body, which endorses them for submission to the ILO Conference, which approves them without discussion. By contrast, UNAT members are nominated by Governments, and their election in the Fifth Committee is confirmed by the General Assembly.

41. There are also other differences between the practices relating to the two tribunals, including in respect of, e.g., the mode of compensation of ILOAT judges and UNAT members.

42. The Secretary-General would be prepared to reconsider his position on the question of specific performance if the statutes and practices of the two tribunals were fully harmonized.

43. Alternatively, the current system could be retained with an increase in the limit of compensation to be paid should the Secretary-General decide, in the interest of the United Nations, that the applicant should be compensated without further action. The current two-year limit could be raised to three years in article 10.2 of the UNAT statute. As is the case at present, the Tribunal would retain the authority to order payment of a higher indemnity in exceptional cases, giving a statement of the reasons for such a decision.

Notes

[1] Staff rule 111.2 (c).

[2] Article K.1 of the JAB rules of procedures only contains a general provision indicating that the time for additional submissions by the parties, i.e., submissions other than the statement of appeal and the respondent's reply, "shall generally be no more than two weeks in respect of appellants stationed in New York, or one month for appellants elsewhere". This general two-week limit is not systematically respected or enforced. Moreover, the provision appears to give each party two weeks to reply to any additional submissions by the other party, without limiting the number of such submissions.

[5] A/C.5/49/13, A/C.5/49/60 and A/C.5/50/2.

[6] A/C.5/50/2, para. 12.

[7] These changes were set out in annexes I and III to A/C.5/50/2.

[8] A/C.5/49/60/Add.2, annex, para. 5.

[9] A/C.5/50/2/Add.1, annex I, para. 7.

[10] A/C.5/49/60/Add.2, annex, para. 12.

[11] Ibid., para. 14.

[12] Ibid., para. 6.

[13] A/50/7/Add.8, para. 38.

[14] Ibid., para. 40.

[15] See A/C.5/50/2/Add.1, annex II.

[16] A/C.5/51/SR.31, para. 73.

[17] General Assembly resolution 50/240, para. 2.

[18] See A/C.6/51/7, annex.

[19] A/C.5/51/SR.31, paras. 57-62.

[20] See also the report of the Secretary-General, A/55/253, annex V, para. 4.

[21] General Assembly resolution 56/253, para. 79.

[22] A/42/328, para. 50.

[23] Judgements No. 482, *Qiu, Tao, Zhou* (1990); No. 807, *Lehmann* (1996).

Annex I

Proposed amendments to Staff Rules

- With reference to paragraph 5 of the report:

Rule 111.1

Establishment

(b) Each Joint Appeals Board shall be composed of:

(i) Chairpersons appointed by the Secretary-General **after selection** ~~from among a list presented~~ by the joint staff/management machinery in respect of the staff representative body or bodies at the duty station at which the Board is established;

(ii) Members appointed by the Secretary-General;

(iii) An equal number of members elected by ballot of the staff under the jurisdiction of the Board.

...

[Appendix II to the 200 series and Appendix E to the 300 series will be changed accordingly.]

- With reference to paragraph 22 (c) of the report:

Rule 110.4

Due process

(a) No disciplinary proceedings may be instituted against a staff member unless he or she has been notified of the allegations against him or her **and** ~~, as well as~~ of the right to seek the assistance **of counsel** in his or her defence, ~~of another staff member or retired staff member~~ and has been given a reasonable opportunity to respond to those allegations.

...

Rule 110.7

Joint Disciplinary Committee procedure

...

(d) A Joint Disciplinary Committee shall permit a staff member to arrange to have his or her case presented before it by **counsel** ~~any other staff member or retired staff member~~ at the ~~same~~ duty station where the Committee is established.

Rule 210.1

Disciplinary measures

(a) In any case involving possible disciplinary action, the Secretary-General may establish, on an ad hoc basis, machinery to advise him **or her** before any decision is taken.

(b) No disciplinary proceedings may be instituted against project personnel unless the individual concerned has been notified of the allegations against him or her and of the right to seek the assistance of counsel in his or her defence, and has been given a reasonable opportunity to respond to those allegations.

Rule 310.1

Disciplinary measures

...

(d) No disciplinary proceedings may be instituted unless the staff member has been notified of the allegations against him or her and **of the** ~~his or her~~ right to seek the assistance **of counsel** in his or her defence ~~of another staff member or retired staff member~~, and has been given a reasonable opportunity to respond to the allegations.

Rule 111.2

Appeals

...

(i) A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by **counsel**. ~~another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person~~.

...

[Appendix II to the 200 series and Appendix E to the 300 series will be changed accordingly.]

• With reference to paragraph 22 (e) of the report:

Rule 101.2

Basic rights and obligations of staff

Specific instances of prohibited conduct

...

(j) Staff members shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Secretary-General on

disciplinary matters or on appeals by staff members against an administrative decision. Similarly, staff members shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any staff member threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their right to appeal against administrative decisions.

[Current paragraphs (j) to (s) would be renumbered (k) to (t).]

Rule 201.2

Basic rights and obligations of project personnel

Specific instances of prohibited conduct

...

(j) Project personnel shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Secretary-General on disciplinary matters or on appeals by staff members against an administrative decision. Similarly, project personnel shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any project personnel threaten, retaliate or attempt to retaliate against such individuals or against staff members or project personnel exercising their right to appeal against administrative decisions.

[Current paragraphs (j) to (s) would be renumbered (k) to (t).]

Rule 301.3

Basic rights and obligations of staff

Specific instances of prohibited conduct

...

(j) Staff members shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Secretary-General on disciplinary matters or on appeals by staff members against an administrative decision. Similarly, staff members shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any staff member threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their right to appeal against administrative decisions.

[Current paragraphs (j) to (s) would be renumbered (k) to (t).]

Annex II

Proposed terms of reference of the Ombudsman

• From paragraph 28 of the report:

1. An Ombudsman shall be appointed at Headquarters at the Assistant Secretary-General level by the Secretary-General, after consultation with the Staff Associations/Councils, starting in 2002.

2. The Ombudsman shall serve for a non-renewable five-year term and shall be ineligible for any other appointment in the United Nations after expiration of the term.

3. In the exercise of his/her duties, the Ombudsman shall be independent of any United Nations organ or official.

4. The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention, unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are when there appears to be imminent threat of serious harm. The Ombudsman shall have direct access to the Secretary-General, as needed, for the performance of his/her functions.

5. The Ombudsman shall have access to records concerning staff. The exceptions to this are medical records that are not available without the express request of an individual, and records of an ongoing investigation until the completion of all formal proceedings. Reports of the Joint Appeals Board will be routinely sent to the Ombudsman unless the appellant objects. It should be stressed that, for many years now, staff associations can receive Joint Appeals Board reports and can consult them if the appellants do not object.

6. The Ombudsman shall not be compelled by any United Nations official to testify about concerns brought to his/her attention.

7. The Ombudsman may consider a conflict of any nature related to employment by the United Nations. "Conflict" is to be construed in its broadest sense and includes, inter alia, matters pertaining to the administration of benefits, conditions of employment, managerial practices, as well as professional and staff relations matters.

8. The Ombudsman may hear any of the parties involved in a conflict who want to avail themselves of his/her services. Parties can be self-referred, or referred to the Ombudsman by any other sources. As necessary, the Ombudsman shall refer staff to the other means of conflict resolution.

9. The Ombudsman shall remain neutral, and shall not assume the role of advocate for any party. The Ombudsman will, in the exercise of his/her judgement, advise staff of their options and of the different avenues open to them. S/he will facilitate conflict resolution, using conciliation, informal mediation or any other appropriate means for the primary objective of settling conflicts between parties and obviate recourse to the formal grievance process. The Ombudsman will not have decision-making powers, but will advise and make suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member.

10. The Ombudsman may, at his/her discretion, decline to consider conflicts that can be remedied only by actions affecting the staff at large or all the members of a category of staff, or that the Ombudsman considers have not been brought to his/her attention in a timely manner, or that appear to be frivolous.

11. The Ombudsman may request the Joint Appeals Board to extend the normal time limit for filing an appeal within the framework of staff rule 111.2.

12. The Ombudsman shall provide reports regularly to the Secretary-General. The reports shall include an overview of the Ombudsman's activities and comments on policies, procedures and practices that have come to his/her attention.

13. The Ombudsman may be consulted on policy issues where his/her views and experience may prove helpful.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Security Council
Fifty-seventh year

Letter dated 30 January 2002 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General

On behalf of the co-chairs (Japan, Saudi Arabia, the United States of America and the European Union), I have the honour to transmit to you herewith the Co-chairs' Summary of Conclusions of the International Conference on Reconstruction Assistance to Afghanistan that took place in Tokyo on 21 and 22 January 2002 (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 20 (f) and 43, and of the Security Council.

(*Signed*) Yukio **Satoh**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

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Annex to the letter dated 30 January 2002 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General

International Conference on Reconstruction Assistance to Afghanistan, 21-22 January 2002: co-chairs' summary of conclusions*

1. The International Conference on Reconstruction Assistance to Afghanistan was held at the ministerial level in Tokyo on 21 and 22 January with the participation of the Chairman of the Afghan Interim Administration, Hamid Karzai, and other representatives of the Administration. Japan, Saudi Arabia, the United States of America and the European Union were the co-chairs of the Conference.

2. The Conference provided the Afghan Interim Authority an opportunity to reaffirm its determination to pursue the process of reconciliation, reconstruction and development of Afghanistan, according to the Bonn Agreement, and provided the international donor community an opportunity to express its political support for this process with indications of concrete assistance.

3. Junichiro Koizumi, Prime Minister of Japan, addressed the Conference at the outset. Kofi Annan, Secretary-General of the United Nations, also spoke before the Conference at the opening session.

4. Ministers and representatives from 61 countries and 21 international organizations attended. The discussions were based on input from the Afghan Interim Authority and built on the results of the senior officials' meeting, held in Washington on 20 November 2001, and the first Afghan Reconstruction Steering Group meeting, held in Brussels on 20 and 21 December 2001. Afghan and international non-governmental organizations (NGOs) held a separate meeting. Experts also met to discuss military demobilization, military and police training, demining and counter-narcotics issues and alternative development.

5. The Conference demonstrated the strong commitment of the international community to reconstruction assistance to Afghanistan by making specific commitments and pledges.

6. The Conference stressed the importance of implementation of the Bonn process, including the time frame set in the Bonn Agreement. Assistance will be conditional on all Afghan parties positively contributing to the process and goals agreed in Bonn with the aim of establishing peace, representative governance and stability in Afghanistan, and eliminating terrorism and narcotics production and trafficking. It was noted that, as the efforts for reconstruction proceed, due geographical balance within Afghanistan should be taken into account in resource allocation.

7. Chairman Karzai and other representatives of the Afghan Interim Authority made presentations on their vision and policies for Afghan reconstruction and development. They expressed their resolve to pursue the process of reconciliation and reconstruction of Afghanistan on the basis of the Bonn Agreement and to work

* This document was prepared on the responsibility of the co-chairs from Japan, Saudi Arabia, the United States of America and the European Union.

towards these objectives in close coordination with the international donor community.

8. The Afghan Interim Authority identified the following several key priority areas for the reconstruction of their country:

(a) Enhancement of administrative capacity, with emphasis on the payment of salaries and the establishment of the government administration;

(b) Education, especially for girls;

(c) Health and sanitation;

(d) Infrastructure, in particular, roads, electricity and telecommunications;

(e) Reconstruction of the economic system, in particular, the currency system;

(f) Agriculture and rural development, including food security, water management and revitalizing the irrigation system.

Along with these priority areas, the Afghan Interim Authority stressed its commitment to transparency, efficiency and accountability. It strongly underscored the importance of reviving its tradition of private entrepreneurship as an engine of growth. The Afghan Interim Authority also emphasized the importance of community-building, which underlies all sectors in Afghanistan. The importance of demining and assistance to war victims and the disabled was also stressed. Without secure and active communities where refugees and internally displaced persons wish to return, any reconstruction effort will not reach its goal.

The Afghan Interim Authority recognized that it holds primary responsibility for reconstruction. The international community concurred and expressed its determination to provide support and closely coordinate with the Afghan Interim Authority and the people of Afghanistan as they conduct reconstruction efforts.

9. There was recognition that the United Nations should continue to play a pivotal role. The Conference recognized and greatly appreciated the catalysing role that the Special Representative of the Secretary-General, Lakhdar Brahimi, has played and will continue to play in promoting peace and stability in Afghanistan. As for reconstruction, which is inseparably linked to the political process, the Conference stressed the need to support activities under the auspices of the Special Representative. It also welcomed the fact that the United Nations Development Programme (UNDP) had been appointed to lead the early recovery efforts on behalf of the United Nations system.

10. Strong emphasis was put on the importance of rapidly establishing a sound and comprehensive macroeconomic and monetary framework. Sustainable economic development and the effective use of donor funding urgently require that sound currency arrangements, as well as strong and transparent budgetary and treasury systems, are put in place. Donors pledged to provide the necessary technical and financial assistance to help the Afghan Interim Authority to create the essential institutional framework.

11. The Conference recognized the vital importance of security and counter-narcotics issues to the success of reconstruction and placed special emphasis on

providing systematic follow-up and sufficient assistance to ensure steady and irreversible progress.

12. The Conference emphasized the centrality of restoring the rights and addressing the needs of women, who have been the prime victims of conflict and oppression. Women's rights and gender issues should be fully reflected in the reconstruction process.

13. The Conference also stressed the key roles being played by Afghan and international NGOs. In the NGO meeting held on 20 January, Afghan and international NGOs participated and the results of the meeting were reported to the plenary session. The NGO representative reported that Afghan and international NGOs agreed that a focus on education and training is necessary, particularly for women, to build the capacity of the Afghan people to contribute to reconstruction. Continued dialogue and coordination between NGOs, international organizations, donors and the Afghan Interim Authority are essential to ensure efficient use of resources.

14. The Conference welcomed the preliminary needs assessment prepared by the World Bank, UNDP and the Asian Development Bank. Further work on a more comprehensive needs assessment is planned to take place in Afghanistan in full partnership with the Afghan Interim Authority in the coming weeks. Participants will review and monitor evolving reconstruction needs and progress reports of various projects at future meetings of the Afghan Reconstruction Steering Group.

15. In response to the vision and policies on reconstruction of the Afghan Interim Authority, participants in the Conference expressed their readiness to help the Afghan people in their reconstruction effort. To make concrete this commitment, pledges and contributions of over $1.8 billion for 2002 were announced. Some donors made multi-year pledges and commitments of various time frames. The cumulative amount was more than $4.5 billion. In addition, some countries offered support in kind without specifying a monetary value. Participants agreed on the urgency of rapid disbursement and the importance of addressing the immediate financial needs for the functioning of the Afghan Interim Authority over the next few months.

16. In view of the continuing necessity for humanitarian relief in and around Afghanistan, the Conference also reaffirmed the participants' firm intent to remain engaged in humanitarian assistance. Further, the Conference stressed the need for strong complementarity between humanitarian assistance, recovery, reconstruction and development.

17. Participants reaffirmed the usefulness of funding mechanisms, the Implementation Group and a common assistance databank to facilitate the implementation of international assistance as agreed at the first meeting of the Afghan Reconstruction Steering Group in Brussels.

18. Existing mechanisms will be a primary vehicle for major donors in financing reconstruction. In addition, a single trust fund will be established; administration of the proposed fund will be entrusted to the World Bank. Decisions about allocation of expenditures will be the responsibility of the World Bank, UNDP, the Asian Development Bank and the Islamic Development Bank in close cooperation with the Government of Afghanistan and in consultation with the Special Representative of the Secretary-General. The trust fund should be established in a manner allowing for

quick and responsive distribution of its funds, while meeting its fiduciary responsibilities. Participants request that such a fund be established expeditiously.

19. To achieve strategic coherence and coordination among the Afghan Interim Authority, donors and NGOs, the Implementation Group will meet in Kabul. The Afghan Interim Authority will chair the Implementation Group. The World Bank, UNDP, Asian Development Bank, Islamic Development Bank and the Afghan Support Group Chair will serve as vice-chairs of the Implementation Group. The Conference confirmed the roles of, and the need for close coordination between, the Afghan Reconstruction Steering Group and the Implementation Group. The Implementation Group will be held at least quarterly in Kabul in order to conduct coordination among the Afghan Interim Authority and donors. The Afghan Interim Authority can call additional meetings of the Implementation Group, as necessary. The view was expressed of the importance of moving as quickly as possible towards a normal consultative group process for Afghanistan assistance. The Afghan Interim Authority Vice-Chairman and Finance Minister Hedayat Amin-Arsala chaired the first meeting of the Implementation Group on the margins of the Conference and indicated that the next meeting will be held in Kabul in March.

20. In order to facilitate information sharing, participating Governments and international organizations will contribute necessary information on assistance programmes to the common assistance databank to be established by the World Bank and UNDP.

21. The Conference noted the UNDP proposal for a code of conduct to avoid distortionary wage and rent inflation caused by the international presence and urged the Implementation Group to work further on the proposal.

22. The next meeting of the Afghan Reconstruction Steering Group will be held by the middle of the year to review developments and progress in the reconstruction process.